

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

- - - - -X
UNITED STATES OF AMERICA, : 17-CR-434 (ARR)
Plaintiff, :
-against- :
JOSÉ MIGUEL MELENDEZ-ROJAS, :
also known as "Gueramex," :
"Gueracasa," and "José :
Melendez Perez"; JOSÉ : United States Courthouse
OSVALDO MELENDEZ-ROJAS, : Brooklyn, New York
ROSALIO MELENDEZ-ROJAS, also :
known as "Leonel," "Wacho," :
and "El Guacho"; FRANCISCO :
MELENDEZ-PEREZ, also known :
as "Paco," and "el Mojarra"; :
and ABEL ROMERO-MELENDEZ, :
also known as "La Borrega" :
and "Borrego" :
Monday, March 2, 2020
Defendants. : 9:30 a.m.
- - - - -X

TRANSCRIPT OF CRIMINAL CAUSE FOR JURY SELECTION
BEFORE THE HONORABLE ALLYNE R. ROSS
UNITED STATES DISTRICT SENIOR JUDGE

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33 Proceedings recorded by Stenographic machine shorthand,
34 transcript produced by Computer-Assisted Transcription.

Jury Selection

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P R O C E E D I N G S

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(In open court.)

THE COURTROOM DEPUTY: This is the United States of America against Francisco Melendez-Perez, et al., Docket Number 2017-CR-434.

Counsel, would you please state your name for the record.

MS. ARGO: Good morning, Your Honor. Erin Argo, Tanya Hajjar, and Gillian Kassner for the United States.

THE COURT: Good morning.

MS. HAJJAR: Good morning.

MS. KELLMAN: Good morning, Your Honor. Susan Kellman for José Miguel Melendez-Rojas. Good morning, Judge. My client is present in court, Judge.

THE COURT: Yes.

MR. HUESTON: Good morning, Your Honor. Michael Hueston and Jacqueline Cistaro for Abel Melendez-Perez.

THE COURT: Good morning.

MR. DUNN: Good morning, Your Honor. For Rosalio Melendez-Rojas, Thomas Dunn.

THE COURT: Good morning.

MR. GOLD: For Francisco Melendez-Perez, Michael Gold. Good morning.

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1 THE COURT: Good morning.

2 MR. GOLUB: And for José Osvaldo Melendez-Rojas,
3 Mitchell Golub. Good morning, Your Honor.

4 THE COURT: Good morning.

5 THE COURTROOM DEPUTY: Can the interpreters please
6 raise your right hand?

7 (The interpreters are sworn.)

8 THE COURTROOM DEPUTY: Please state your name for
9 the record.

10 INTERPRETER TESTINO-BURKE: Rossana Testino-Burke.

11 THE COURTROOM DEPUTY: Thank you.

12 INTERPRETER RHODES: Yes, I do. Nathan Rhodes.
13 Good morning.

14 THE COURTROOM DEPUTY: Thank you.

15 INTERPRETER VERASTEGUI: Maristela Verastegui.

16 THE COURTROOM DEPUTY: Thank you.

17 THE COURT: Okay. We're going to get the jury.

18 (Pause in proceedings.)

19 (Prospective jurors enter the courtroom.)

20 THE COURT: Just make yourselves comfortable. It
21 will be a few minutes before everyone gets in here.

22 (Pause in proceedings.)

23 THE COURT: You can sit in the next row towards
24 the front, if you want. That one right there. And both
25 sides of the courtroom also are available for seating.

Jury Selection

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1 There will be plenty of seats. The whole other
2 side of the courtroom is available, too.

3 This whole area of seating is available if
4 anybody's feeling crunched. Just come around the front
5 and -- yeah.

6 Yes, please just go -- if you don't see seats
7 there or in the back row, just go there around to the other
8 side. There should be ample room.

9 And if everyone could just move down a little bit
10 to make more room for everyone to get in, thank you. I
11 guess that -- either side.

12 Can anybody squeeze in a little bit more? I mean
13 if someone ends up standing it won't be for very long. But
14 there really should be enough room.

15 Thank you very much. We do have to get everyone
16 into the courtroom. So if you can't squeeze any more, just
17 step forward. And some of you can stand on the other side,
18 also. In a very few minutes everyone will be seated because
19 we will be using these rows. But we need everyone to get
20 into the courtroom, though. That's essential. Would anyone
21 be willing to stand on the other side to make sure everybody
22 gets in?

23 Thank you. Actually, I think it will be all right
24 if you-all stay there. Would you just -- whoever is
25 standing in that row, if you would just go back. We thought

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1 there would be more room here. We just need to get
2 everybody in the room, but not in those first two rows.
3 That's fine. I can tell there's still people out there.

4 I can tell there's more people out there. You're
5 just going to have to come forward. Everybody has to come
6 into the courtroom.

7 Is there anyone who is not in?

8 PROSPECTIVE JUROR: Yes.

9 THE COURT: You have to get into the courtroom. I
10 know it's just going to mean a little bit of a scrunch, but
11 it will only be for a few minutes.

12 MR. GOLD: Judge, maybe they can come and stand in
13 front of the Government table.

14 THE COURT: Would you please just try to come in
15 and maybe a few of you go over there, if you really can't do
16 it.

17 Can everybody get into the courtroom, please?

18 Is there anyone who is not in the courtroom --
19 yes, there is.

20 Why don't some of you come around and just stand
21 to the side over there. Come forward.

22 You can come forward and just stand to the side.
23 Okay. I fear because there's an open door that we have the
24 same problem on that side.

25 Is everybody in?

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1 PROSPECTIVE JUROR: Yes.

2 THE COURT: Okay. Thank you.

3 Okay. Just make sure that the last person enters
4 the courtroom. That's all I care about. Okay. We'll make
5 you comfortable in a minute, I promise.

6 Good morning, ladies and gentlemen.

7 PROSPECTIVE JUROR: Good morning.

8 THE COURT: Is everybody on that side in?

9 PROSPECTIVE JUROR: No.

10 THE COURT: Can everyone hear me? It's important
11 that everyone can hear me.

12 Can everyone hear me?

13 Is there anyone in the back who can't hear?

14 MR. GOLUB: People are still outside.

15 THE COURT: There's some still outside?

16 MR. GOLUB: Yes.

17 THE COURTROOM DEPUTY: Do you want them to start
18 sitting up there?

19 THE COURT: Yes, why don't we -- yes, might as
20 well.

21 Is there anyone still outside?

22 PROSPECTIVE JUROR: Yes.

23 THE COURT: Okay. We're going to fill the jury
24 box.

25 Is everybody on this side in? Can everyone hear

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1 me?

2 I see a dark haired lady in the back, can you hear
3 me?

4 UNIDENTIFIED FEMALE SPEAKER: Yes.

5 THE COURT: Okay. Can everybody else out there
6 hear me?

7 Is everyone in?

8 THE COURTROOM DEPUTY: Everyone's in.

9 THE COURT: Great.

10 All right. Good morning, ladies and gentlemen. I
11 am Judge Allyne Ross, and as you know, we're here this
12 morning to select a jury. This will be a jury in a criminal
13 case that will commence immediately after jury selection.

14 We expected it would last longer and that's why
15 there are so many of you, but now we expect it will last
16 approximately two weeks, but to be safe it could spill into
17 the third week, so it's important that you know that.

18 We will sit every weekday from 9:30 to 5:30 or
19 6:00. Each day we will have a break for lunch of about an
20 hour. You will have 10- to 15-minute breaks in the morning
21 and in the afternoon. And if somebody wants to get up and
22 stretch, they can get up and stretch during the course of
23 the trial. That's not a problem.

24 In addition to a jury of 12 persons, we're also
25 going to select six alternate jurors. Alternate jurors

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1 basically have the same duties and responsibilities as
2 regular jurors, but if they were not called to replace a
3 regular juror prior to time that the jury retires to
4 deliberate, they will not sit and deliberate with the jury.

5 Initially, I would like to introduce my Courtroom
6 Deputy, Dennis LaSalle. Mr. LaSalle is going to administer
7 an oath to all of you, because the questions that I will ask
8 must be answered under oath. He will then call 40 of you to
9 sit in the box and by "in the box," I mean those two, three
10 rows in front with tape in the middle. And then, I will
11 explain how we'll proceed from there.

12 THE COURTROOM DEPUTY: Can everyone stand and
13 please raise your right hand?

14 (The prospective jurors are sworn.)

15 THE COURTROOM DEPUTY: Please be seated.

16 Juror Number 1, Michael Miller.

17 THE COURT: Mr. Miller, yes.

18 THE COURTROOM DEPUTY: You can have the first
19 seat.

20 THE COURT: Okay. These are going to be called
21 Rows 1, the first ten of you up until the white tape, and
22 then Row 2 is the next 12, and then Row 3, and 4.

23 THE COURTROOM DEPUTY: Juror Number 2, David Fox.

24 Juror Number 3, Belayte Hossain?

25 PROSPECTIVE JUROR: Hossain?

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1 THE COURTROOM DEPUTY: Yes.

2 Juror Number 4, Jennifer Caselli.

3 THE COURT: Ms. Caselli?

4 PROSPECTIVE JUROR: Yes, ma'am.

5 THE COURT: Oh, okay. You just can't get by.

6 THE COURTROOM DEPUTY: Juror Number 5 Dana Ochia.

7 Juror Number 6, Nicole Kouskalis.

8 Juror Number 7 Richard Scarponi.

9 Juror Number 8 Raisul Islam.

10 Juror Number 9 Tracy Arbour.

11 THE COURT: Could you just move over because we
12 need to get ten of you before the white line.

13 Thank you.

14 THE COURTROOM DEPUTY: Juror Number 10,
15 Christopher Pondish.

16 Juror Number 11, Kevin Chen.

17 THE COURT: Could you try to move over so I can
18 tell where that line is?

19 Could anybody move over a little bit more. I'm
20 sorry. It's just going to make a difference.

21 THE COURTROOM DEPUTY: Juror Number 13, David
22 Carsin-Larosa -- Mr. Chen Juror Number 12 --

23 THE COURT: Juror Number 12.

24 THE COURTROOM DEPUTY: I'm sorry. Juror Number 12
25 is Richard Rendell. I'm sorry.

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1 THE COURT: Mr. Rendell?

2 Mr. Rendell is going to come before you and then
3 you'll sit.

4 THE COURTROOM DEPUTY: I'm sorry.

5 THE COURT: Okay.

6 THE COURTROOM DEPUTY: Juror Number 14, Soilana Ma
7 or May.

8 Juror Number, 15 Emily Bowes.

9 Juror Number 16, Claudia E-U-L-A-U.

10 Juror Number 17 Joycelin, Samuel. Samuel.

11 THE COURT: Mr. Samuel?

12 THE COURTROOM DEPUTY: Ms.

13 THE COURT: Oh, I'm sorry. Ms. Samuel. I
14 apologize.

15 THE COURTROOM DEPUTY: Juror Number, 18 Linda
16 Galbreth.

17 Juror Number 19, Jason Navallo.

18 THE COURT: We have to make room for one more
19 person in that front row. I'm sorry.

20 THE COURTROOM DEPUTY: Juror Number 20, Rosa
21 Flores.

22 Juror Number 21, Deborah Sturkey-Watson.

23 Juror Number 22, Yanina Dubrovskay,
24 D-U-B-R-O-S-K-A-Y-A.

25 Juror Number 23, Kimberly Powell.

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1 Juror Number 24, Edward Gibson.

2 THE COURT: Gibbons.

3 THE COURTROOM DEPUTY: Gibbons, I'm sorry.

4 Juror Number 25, S-M-L-I-N-E, Menard.

5 Juror Number 26, Edwin Ortiz.

6 Juror Number 27, Gregory Hulse.

7 Juror Number 28, Alexander Morano.

8 Juror Number 29, Bogdan Grabowski.

9 Juror Number 30, Jeffrey Lo.

10 Juror Number 31, A-N-H, last name, G-I-A-N-G.

11 Juror Number 32, Brandon Sangster.

12 Juror Number 33, Lisa Anne Sheridan.

13 THE COURT: Ms. Sheridan?

14 PROSPECTIVE JUROR: Yes.

15 THE COURT: Okay.

16 THE COURTROOM DEPUTY: Juror Number 34, first name
17 K-A-R-A-M-C-H-A-N-D, last name, D-H-A-N-R-A-J.

18 Juror Number, 35 Susan Steinman Kelleher.

19 Juror Number, 36 Melanie Cambria.

20 Juror Number 37, Rajan Abraham.

21 Juror Number 38, Victor Weiss.

22 THE COURT: If you could move over a little bit
23 because we need to fit 20 more people into that room?

24 THE COURTROOM DEPUTY: Juror 39, Douglas Sinetar.

25 And Juror Number 40, Jeffrey Goldberg.

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1 THE COURT: Can we make that happen, if everybody
2 scrunches a little bit more that way?

3 THE COURTROOM DEPUTY: If everyone could just fill
4 in seats, please, if possible.

5 THE COURT: Yes, please. Fill in all the empty
6 seats and then we're going to get some of you seated by
7 sitting you in the jury box over there.

8 THE COURTROOM DEPUTY: Judge --

9 THE COURT: Oh, they won't be able to see the
10 screen.

11 THE COURTROOM DEPUTY: Yeah.

12 THE COURT: Well, I'm sorry about this. At least
13 everybody's in the courtroom.

14 We'll see how quickly we can do it. ^ To here

15 The way I am going to proceed is that I'm going
16 ask a number of general questions of the jurors in the box.
17 And by "the jurors in box," I mean the 40 of you who we've
18 just called and I'll call you by row but I'm splitting the
19 rows in half so it will be 1, 2, 3, 4.

20 If your answer to my question is yes, just raise
21 your hand. If you do not raise your hand, we will all
22 assume that your answer to the question is no.

23 Now, obviously, all the parties to this suit, both
24 the Government and the defendants, have the right to have
25 this case tried by a fair and a qualified and impartial

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1 jury. Obviously that's a jury that's responsible and
2 capable, but it's also a jury that without any fear or favor
3 or bias or prejudice or sympathy of any form whatsoever will
4 objectively hear and decide the issues in this case, and
5 render a judgment based solely on the evidence as it's
6 presented to you during the trial and on the law as I
7 instruct it to you at the close of the trial.

8 Not surprisingly, a juror's qualifications can't
9 simply be assumed, so in order to determine a juror's
10 qualifications we conduct an inquiry. The inquiry is called
11 the voir dire. It's really a very time-honored process, and
12 its purpose is simply to develop the truth about a juror's
13 frame of mind, about a juror's ability to do his or her duty
14 in accordance with the oath that each of you have just
15 taken.

16 Now, you might well ask, will some of these
17 questions invade my privacy. I suppose in some way the
18 obvious answer to that is yes. By the same token, I think
19 that all of us can appreciate that there may be certain
20 experiences that are so important or potent or emotional for
21 us that it might be very difficult for us to render a
22 judgment without being affected by those potent experiences.

23 So you can see that the answers that you give to
24 the questions that I ask are going to be very important.
25 They will enable me to determine whether to excuse a juror

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1 for cause and they will also enable counsel to make
2 intelligent use of their peremptory challenges.

3 Peremptory challenges are challenges that the law
4 gives to both sides, to exercise without assigning any
5 reason whatsoever.

6 So it is essential that your answers be complete
7 and be truthful. Each of you has been sworn. Each of you
8 is under an affirmative obligation to listen very carefully
9 to the questions that I ask and to honestly and
10 conscientiously try to answer the real implications of those
11 questions.

12 Now, obviously none of us wishes to cause anyone
13 any undue embarrassment. I don't anticipate that I would do
14 that. But you're the best judges of what you would prefer
15 to discuss in private. So should that happen, just indicate
16 it to me and we'll over -- we'll come over here to sidebar
17 with counsel and we will discuss it privately there.

18 With respect to the exercise of peremptory
19 challenges I just want to remind you of something I'm sure
20 you already know, which is, if you are excused in no way is
21 this kind of a personal reflection on you. It simply means
22 that the lawyers in the case, based on their knowledge of
23 the facts of this case and the responses of the other jurors
24 to the voir dire questions, would prefer that another juror
25 sit in your place. But in no way is it a personal

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1 reflection.

2 The way I'm going to now proceed is I will ask my
3 general questions of the jurors in the box. But I would
4 like to ask those of you in the back, please listen very
5 carefully to the questions that I ask. When I ask them,
6 answer them to yourselves, and if your answer to the
7 question is "yes," remember the question, and remember the
8 answer because chances are very good that one of the jurors
9 in the box will be excused and you will be called to replace
10 that juror. And when that happens I'm not going to go back
11 and ask all the questions again. I'm simply going to ask
12 whether they were any questions to which you had an
13 affirmative response. If so, what was the question, what
14 was answer.

15 So please pay very close attention to all of the
16 questions and remember those questions to which you had a
17 yes response.

18 First I would like to introduce something about
19 the case and the people involved in the case. Seated to
20 counsel table toward my left are defendants. When I call
21 your name, would you please stand.

22 José Miguel Melendez-Rojas, would you please
23 stand.

24 Do any of you know Mr. Melendez-Rojas?

25 Thank you, you may be seated.

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1 José Osvaldo Melendez-Rojas. Do any of you know
2 Mr. José Osvaldo Melendez-Rojas?

3 Okay. Please be seated.

4 Rosalio Melendez-Rojas. Do any of you know this
5 individual?

6 Thank you. You may be seated.

7 Francisco Melendez-Rojas.

8 MR. GOLD: Melendez-Perez, Your Honor.

9 THE COURT: Oh, I'm sorry, Melendez-Perez. Excuse
10 me.

11 Do any of you know Francisco Melendez-Perez?

12 You may be seated.

13 And finally Abel Romeo-Melendez. Do any of you
14 know Abel Romeo-Melendez?

15 Thank you. You may be seated.

16 The case against these defendants comes into this
17 court by reason of an indictment, and before I read the
18 indictment to you, I want to clarify. The indictment is
19 only a charge. It's the means, or vehicle, by which the
20 Government accuses someone of a crime. It's voted by a
21 grand jury, which generally hears only the witnesses of
22 the Government, not of the defense. The Government's
23 witnesses are not subject to any form of cross-examination
24 in the grand jury. So it is not evidence of guilt of any
25 kind, and you may not draw any inference of guilt from the

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1 fact that the Government has charged a defendant with the
2 crime.

3 In general, the indictment charges the defendants
4 with conspiracy, sex trafficking, alien smuggling, money
5 laundering, illegal re-entry, and distribution of proceeds
6 of a prostitution business between 2006 and 2017.

7 Although it contains multiple counts, not all
8 defendants are charged in each and every count. The
9 indictment is somewhat lengthy, but I consider it important
10 to read it to you almost in its entirety.

11 Count 1 of the indictment charges an alien
12 smuggling conspiracy, specifically that between
13 approximately 2006 and 2017 all defendants, together with
14 others, did knowingly and intentionally conspire, that
15 simply means agreed to encourage and induce one or more
16 aliens to come to, enter and reside in the United States
17 knowing and in reckless disregard of the fact that such
18 coming to entry and residence was and would be in violation
19 of law for the purpose of financial gain in violation of
20 federal law.

21 B, knowing and in reckless regard of the fact that
22 one or more aliens had come to, entered and remained in the
23 United States in violation of the law, to transport and move
24 such alien or aliens within the United States by means of
25 transportation and otherwise, in furtherance of such

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1 violation of law for the purpose of financial gain in
2 violation of federal law.

3 And, C, knowingly -- knowing and in reckless
4 disregard of the fact that one or more aliens had come to,
5 entered and remained in the United States in violation of
6 law to conceal, harbor, shield from protection such alien or
7 aliens in any place, including any building and by any means
8 of transportation for the purpose of private financial gain
9 in violation of federal law.

10 Count 2 charges a conspiracy to transport minors
11 and specifically, it charges that between approximately
12 August of 2006 and April of 2014, all defendants, together
13 with others, did knowingly and intentionally conspire to
14 transport one or more individuals who had not attained the
15 age of 18 years in interstate and foreign commerce with the
16 intent that such individuals engage in prostitution,
17 contrary to federal law.

18 Count 3 charges a sex trafficking conspiracy that
19 between approximately January 2009 and July of 2017 all
20 defendants, together with others, did knowingly and
21 intentionally conspire to recruit, entice, harbor,
22 transport, provide, obtain and maintain by any means, one or
23 more persons in and affecting interstate commerce and to
24 benefit financially and by receiving anything of value from
25 participation in a venture that engaged in such acts,

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1 knowing and in reckless disregard of the fact that meet,
2 one, means of force, threats -- threats of force, fraud,
3 coercion and a combination of such means would be used to
4 cause such persons to engage in one or more commercial sex
5 acts.

6 And, 2, one or more such persons had not attained
7 the age of 18 years and would be caused to engage in one or
8 more commercial sex acts, which offense would be affected by
9 force, fraud, coercion, and a combination of such means,
10 contrary to federal law.

11 Count 4, charges sex trafficking of a minor who is
12 known as Jane Doe Number 1. It charges between
13 approximately August of 2006 and March of 2007, the
14 Defendants José Miguel Melendez-Rojas, Abel Romero-Melendez,
15 and Rosalio Melendez-Rojas, together with others, did
16 knowingly and intentionally recruit, entice, harbor,
17 transport, and provide and obtain by any means a person,
18 specifically Jane Doe Number 1, an individual whose identity
19 is known to the grand jury in and affecting interstate and
20 foreign commerce, and did benefit financially and by
21 receiving anything of value from participation in a venture
22 which engaged in such acts. Knowing that, one, force, fraud
23 and coercion would be used to cause Jane Doe Number 1 to
24 engage in one or more commercial sex acts; and two, Jane Doe
25 1 had not attained the age of 18 years and would be caused

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1 to engage in one or more commercial sex acts, which offense
2 was affected by means of force, fraud, and coercion.

3 Count 5 charges sex trafficking of Jane Doe
4 Number 2. Specifically between approximately 2007 and June
5 of 2013, the defendants José Miguel Melendez-Rojas, José
6 Osvaldo Melendez-Rojas, and Rosalio Melendez-Rojas, together
7 with others, did knowingly and intentionally recruit,
8 entice, harbor, transport, provide, and obtain by any means
9 a person, specifically Jane Doe Number 2, an individual
10 whose identify is known by the grand jury in and affecting
11 interstate and foreign commerce, and did benefit financially
12 and by receiving anything of value from participation in a
13 venture which engaged in such acts knowing that force,
14 fraud, and coercion would be used to cause Jane Doe Number 2
15 to engage in one or more commercial sex acts, which offense
16 was affected by means of force, fraud, and coercion.

17 Count 6 charges sex trafficking of Jane Doe
18 Number 3, specifically in and between approximately April
19 of 2009 and September of 2015, Defendants José Osvaldo
20 Melendez-Rojas, and Rosalio Melendez-Rojas, together with
21 others, did knowingly and intentionally recruit, entice,
22 harbor, transport, provide, obtain and maintain by any means
23 persons, specifically Jane Doe Number 3 whose identity is
24 known to the grand jury in and affecting interstate and
25 foreign commerce and did benefit financially and by

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1 receiving anything of value from participation in a venture
2 which engaged in such acts, knowing that force, threats of
3 force, fraud and coercion and a combination of such means
4 would be used to cause Jane Doe Number 3 to engage in one or
5 more commercial sex acts, which offense was affected by use
6 of force, threats of force, fraud, coercion and a
7 combination of each means.

8 Count 7 charges alien smuggling of Jane Doe
9 Number 3, specifically between approximately April 2009 and
10 September of 2015, Defendants José Osvaldo Melendez-Rojas,
11 and Rosalio Melendez-Rojas, together with others, did
12 knowingly and intentionally encourage and induce an alien,
13 specifically Jane Doe Number 3 to come, enter, and reside in
14 the United States knowing and in reckless disregard of the
15 fact that such coming to, entry and residence was and would
16 be in violation of law for the purpose of private financial
17 gain.

18 Count 8, charges sex trafficking of Jane Number 4,
19 specifically that between approximately May of 2011 and
20 February of 2012, the Defendants José Osvaldo
21 Melendez-Rojas, and Francisco Melendez-Perez, together with
22 others, did knowingly and intentionally recruit, entice,
23 harbor, transport, provide, obtain and maintain by any means
24 as person, specifically Jane Doe Number 4, in and affecting
25 interstate and foreign commerce and did benefit financially

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1 and by receiving anything of value from participation in a
2 venture which engaged in such acts knowing that force,
3 threats of force, fraud and coercion and a computation of
4 such means would be used to cause Jane Doe Number 4 to
5 engage in one or more commercial sex acts, which offense was
6 affected by means of force, threats of force, fraud,
7 coercion and a combination of such means.

8 Count 9 charges alien smuggling of Jane Doe
9 Number 4 that between approximately May of 2011 and February
10 of 2012, Defendants José Osvaldo Melendez-Rojas, and
11 Francisco Melendez-Perez, together with others, did
12 knowingly and intentionally encourage and induce an alien,
13 specifically Jane Doe Number 4, to come to, enter and reside
14 in the United States knowing and in reckless disregard that
15 such coming to, entry and residence was and would be in
16 violation of law for the purpose of private financial gain.

17 Count 10 charges sex trafficking of a minor who is
18 known as Jane Doe Number 5. It alleges between
19 approximately July 2010 and April 2014 the same four
20 defendants charged in the prior count, together with others,
21 did knowingly and intentionally recruit, entice, harbor,
22 transport, provide, obtain and maintain by any means a
23 person, specifically Jane Doe Number 5, a person whose
24 identity is known by the grand jury, in and effecting
25 interstate and foreign commerce, did benefit financially and

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1 by receiving anything of value from participation in a
2 venture which engaged in such acts, knowing that, one,
3 force, threat of force, fraud, and coercion and a
4 combination of such means would be used to cause Jane Doe
5 Number 5 to engage in one or more commercial sex acts and,
6 two, Jane Doe Number 5 had not attained the age of 18 years
7 and would be caused to engage in one or more commercial sex
8 acts which events was effected by means of force, threats of
9 force, fraud, and coercion and a combination of such means.

10 Count 11 charges transportation of a minor known
11 as Jane Doe Number 5. Between approximately July 2010 and
12 April 2014, the same four defendants charged in the prior
13 count, together with others, did knowingly and intentionally
14 transport an individual who had not attained the age of 18
15 years, specifically Jane Doe Number 5, in interstate and
16 foreign commerce with the intent that Jane Doe Number 5
17 engage in prostitution.

18 Count 12 charges alien smuggling of Jane Doe
19 Number 5, that between approximately July of 2010 and April
20 of 2014, the same four defendants charged in the prior
21 count, together with others, did knowingly and intentionally
22 encourage and induce an alien, specifically Jane Doe
23 Number 5, to come to, enter and reside in the United States
24 knowing and in reckless disregard of the fact that such
25 coming to, entry and residence was and would be in violation

Jury Selection

25

1 of law for the purpose of private financial gain.

2 Count 14 charges alien smuggling of Jane Doe
3 Number 6. Between approximately August of 2011 and December
4 of 2014, Defendants Rosalio Melendez-Rojas and Fabian
5 Reyes-Rojas -- excuse me -- Defendant Rosalio
6 Melendez-Rojas, together with others, did knowingly and
7 intentionally encourage and induce an alien, specifically
8 Jane Doe Number 6, to come to, enter and reside in the
9 United States knowing and in reckless disregard of the fact
10 that such coming to, entry and residence was and would be in
11 violation of federal law.

12 (Continued on next page.)
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Jury Selection

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1 (In open court.)

2 THE COURT: We are almost at the end.

3 Count 15 charges a money laundering conspiracy:

4 That between approximately 2006 and July of 2017 Defendants

5 José Miguel Melendez-Rojas, José Osvaldo Melendez-Rojas,

6 Rosalio Melendez-Rojas, and Francisco Melendez-Perez, together

7 with others, did knowingly and intentionally conspire to

8 conduct one or more financial transactions.

9 (Pause.)

10 THE COURT: I'm sorry. Count 15, which alleges a

11 money laundering conspiracy: Between approximately 2006 and

12 July of 2017, Defendants José Miguel Melendez-Rojas, José

13 Osvaldo Melendez-Rojas, Rosalio Melendez-Rojas, and Francisco

14 Melendez-Perez, together with others, did knowingly and

15 intentionally conspire to conduct one or more financial

16 transactions in and affecting interstate and foreign commerce,

17 which, in fact, involved the proceeds of one or more specified

18 unlawful activities; that is, sex trafficking and sex

19 trafficking of one or more minors, in violation of federal

20 law, and interstate prostitution, in violation of federal law,

21 knowing that the property involved in the financial

22 transactions would represent the proceeds of some form of

23 unlawful activity. A, with the intent to promote the carrying

24 on of one or more specified unlawful activities; and B,

25 knowing that the transactions would be designed in whole and

Jury Selection

27

1 in part to conceal and disguise the nature, the location, the
2 source, the ownership, and the control of the proceeds of one
3 or more specified unlawful activities, contrary to federal
4 law.

5 Count 16 charges the distribution of proceeds of a
6 prostitution business. That between approximately 2006 and
7 July of 2017, the same four defendants charged in the last
8 count, together with others, did knowingly and intentionally
9 use and cause to be used one more facilities in interstate and
10 foreign commerce, specifically, one or more wire transfer
11 services, with the intent to distribute the proceeds of
12 unlawful activity; that is, a business enterprise involving
13 prostitution offenses, in violation of the laws of the state
14 in which they were committed and of the United States, and
15 thereafter did knowingly and intentionally perform, attempt to
16 perform, and cause to be performed an act to distribute the
17 proceeds of such unlawful activity.

18 Finally, count 18 charges illegal reentry.
19 Specifically, between approximately 2013 and July of 2017, the
20 Defendant Abel Romero-Melendez, an alien who had previously
21 been removed from the United States, did enter and was found
22 in the United States without the Attorney General or the
23 Secretary of the United States Department of Homeland Security
24 having expressly consented to such alien's applying for
25 admission.

Jury Selection

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1 Now, those are the charges. The defendants have
2 pleaded not guilty to the charges, and their not-guilty pleas
3 raise the fact issues that will be tried in this case.

4 There are a few other items that are extremely
5 important for you to understand at this moment, right at the
6 very beginning. The first is that the defendants are presumed
7 to be innocent; and that presumption continues throughout the
8 entire trial, unless and until the jury is convinced from the
9 evidence presented that the guilt of a defendant has been
10 established beyond a reasonable doubt.

11 The government bears the burden of proof and must
12 prove a defendant's guilt beyond a reasonable doubt. That is,
13 it must prove beyond a reasonable doubt every essential
14 element of an offense. A defendant is not required to prove
15 his innocence or to offer any evidence at all. He has the
16 absolute right not to testify, and you may not draw any
17 adverse inference, should he choose to exercise that right.

18 So, my first general question to those of you in the
19 box is: Would any of you have any difficulty for any reason
20 at all in following the general instructions that I have given
21 you thus far? Okay.

22 Now, I have already introduced the defendants, and I
23 would like to introduce their attorneys. José Miguel
24 Melendez-Rojas is represented by Susan Kellman. Would you
25 please stand.

Jury Selection

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1 MS. KELLMAN: Good morning.

2 THE COURT: Do any of you know Ms. Kellman? Okay.

3 José Osvaldo Melendez-Rojas is represented by
4 Mitchell Golub.

5 MR GOLUB: Good morning.

6 THE COURT: Do any of you know Mr. Golub? Thank
7 you.

8 Rose Melendez-Rojas is represented by Thomas Dunn.

9 MR. DUNN: Good morning.

10 THE COURT: Do any of you know Mr. Dunn? Okay.

11 Francisco Melendez-Perez is represented by Michael
12 Gold. Do any of you know Mr. Gold?

13 And, finally, Abel Romero-Melendez is represented by
14 Michael Hueston and Jacqueline Cistaro.

15 MR. HUESTON: Good morning.

16 THE COURT: Do any of you know either of these
17 lawyers? Okay.

18 The government is represented by Assistant United
19 States Attorney Erin Argo and Assistant United States Attorney
20 Tanya Hajjar and Assistant United States Attorney Gillian
21 Kassner, and they will be assisted by Special Agent Patrick
22 Jochum of Homeland Security Investigations and by Paralegal
23 Emily Miller. Do you know any of these people?

24 Do you know anyone on the staff of the United States
25 Attorney for the Eastern District of New York? Okay.

Jury Selection

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1 Do any of you know anything about this case?

2 Have you ever heard of anything about this case?

3 Have any you have read anything about this case?

4 As of this moment in time, do you have any opinion
5 at all about this case?

6 I'm going to read a list of people and places. You
7 may hear from some of the people. You may hear the names.
8 You may hear of the places during the course of the trial. If
9 you think you know any of them, just raise your hand.

10 Blanca. Karina. Isabel Rojas. Ma Ana Perez-Rojas.
11 Maria Isabel Rojas-Torres. Elizabeth Sanchez-Carreon.
12 Lizbeth Castellanos Bautista. Guadalupe Melendez-Rojas.
13 Amelia Velasquez-Ramirez. Nelson. Engracia Barerra-Lopez.
14 Eleodora Bargas-Renteria. Estephanie. Cristina Sanchez
15 Sanchez. Benjamin Melendez-Rojas. Duri, D-U-R-I. Lourdes.
16 Guacho, G-U-A-C-H-O. Checho, C-H-E-C-H-O. La Jarocho.
17 Chapparita. La Flaca. Chocolates. Alejandro. Mojarra.
18 Paco. Memelas. Delia. Daisy. Veronica. Maria Rosalba.
19 Diana. Fabiola M. Fabiola C. Magdaleno Melendez-Rojas.
20 El Rifle, R-I-F-L-E. Pinocho. Flori Flowers, F-L-A-W-E-R-S.
21 Sanchi. Rubi. Cristian. Curahuesos. Chano. Chapurro.
22 Elver. Maribel Melendez-Perez. Selena Melendez-Perez.
23 Tiburon. Bengy. El Capitan. Aydali Corona. Aydali Corona
24 Romero. Bonita. Alicia Romero-Melendez. Katherine.
25 Los Chechas, C-H-E-C-H-A-S. Fabian Reyes-Rojas. Saul

Jury Selection

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1 Ponce-Bravo. Raul Rojas-Campos. Papucho.

2 And I'm also going to read a list of places. If you
3 are familiar with them, just raise your hand. Wilcox,
4 Arizona. Nogales, Arizona. Tucson, Arizona. Douglas,
5 Arizona. Naco, Arizona. Casa Grande, Arizona. Sasabe,
6 Arizona. Falfurrias, Texas. Weslaco, Texas.

7 Corona, Queens. Probably, no? That's fine. You
8 may hear about things that happened in Corona, Queens; and the
9 important thing to understand about that is that the case
10 should be decided by jurors based on the evidence as they hear
11 it during the testimony rather than based on their own
12 familiarity. Would anyone who had their hand up have a
13 problem with that? Okay.

14 Jackson Heights, Queens. I'm sure there are some of
15 you. Any of you have a problem? Okay.

16 Oaxaca, Mexico. Morelos, Mexico. Nogales, Mexico.
17 Tenancingo, Mexico. Quintana Roo, Mexico. No one. Okay.

18 Now, I have directed that several witnesses testify
19 at this trial using only their first name. I have directed
20 these witnesses to so testify because of the nature of certain
21 conduct they may describe and to avoid publicity. I have no
22 opinion at all concerning whether these witnesses will testify
23 truthfully, and you may not consider my directives to the
24 witnesses in assessing their veracity.

25 So, to determine whether you know these witnesses,

Jury Selection

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1 we will show you a picture of each as I tell you their names.
2 If you think you know any of them, raise your hand. If you
3 don't now recognize a witness but do so during the trial, just
4 send me a note telling me that, but do not discuss your
5 recognition of the witness with your fellow jurors.

6 (Published.)

7 THE COURT: The first is Diana. Can everyone see
8 the picture?

9 THE CLERK: Could you please stand so you can see
10 the screen.

11 (Published.)

12 THE COURT: Yes. I think we will have to move the
13 screen to make sure everybody -- is there anyone who cannot
14 see the picture? Okay. If you can't see the picture, just
15 raise your hand, and we will make sure that gets fixed. Okay.

16 Veronica. Can everyone see Veronica?

17 Fabiola. Can everyone see Fabiola?

18 Maria. Does anyone recognize Maria?

19 Delia. Can everyone see Delia?

20 And finally Daisy. Okay. Anyone recognize Daisy?

21 (Pause.)

22 THE COURT: We are going to try to make everything
23 easier now that the pictures have been seen. Fill up the jury
24 box, and we have a bunch of chairs that are going to be
25 brought in. So everyone will be seated.

Jury Selection

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1 (Prospective jurors being seated.)

2 THE COURT: Excuse me. Is a juror leaving?

3 PROSPECTIVE JUROR: Restroom.

4 THE COURT: I'm sorry?

5 PROSPECTIVE JUROR: Men's room.

6 THE COURT: Does anyone else need to go to the
7 restroom? I'm going to let you go, but please remember where
8 you are sitting, and when you come back sit where you are.

9 Wait a second. Don't talk about the case at all.
10 Okay. And come right back because we are going to wait for
11 you. All right. If there is anyone else who needs to go,
12 same thing. Come right back.

13 (Recess.)

14 THE COURT: I know I can ask this because I already
15 asked the question.

16 Does anybody think they know any one of the staff of
17 the United States Attorney's Office? You actually don't even
18 have to come up. Who is that? I'm sorry?

19 PROSPECTIVE JUROR: I know someone up there. We
20 were former classmates.

21 THE COURT: Someone over here?

22 INTERN: I'm an intern, a judicial intern.

23 THE COURT: He is a judicial intern. Do you know
24 each other well?

25 PROSPECTIVE JUROR: Former acquaintance, former

Jury Selection

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1 classmates, I guess.

2 INTERN: Not very much.

3 THE COURT: Do you have any reason to believe that
4 would affect you in any way if you were picked as a juror.

5 PROSPECTIVE JUROR: No. I knew it was a question
6 so.

7 THE COURT: Thank you. So you can just go back to
8 your seat.

9 Ms. Ma, could we see you at sidebar with counsel,
10 please.

11 (Continued on the next page.)

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Sidebar Conference

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1 (Sidebar conference.)

2 (Prospective juror enters sidebar.)

3 PROSPECTIVE JUROR: I think the guy that's sitting
4 directly in front of me, it was in Queens, Jackson Heights,
5 because I grew up in Corona.

6 THE COURT: Did you all hear that?

7 MS. KELLMAN: No.

8 THE COURT: Say it again.

9 PROSPECTIVE JUROR: A guy sitting directly across
10 from me. It was in Corona, Queens, in Jackson Heights, that
11 it occurs to me that I grew up in Corona, Queens.

12 THE COURT: Do you know him?

13 PROSPECTIVE JUROR: I like recognize him, but I
14 don't know him.

15 THE COURT: You have seen him before but you don't
16 know him?

17 PROSPECTIVE JUROR: Correct.

18 THE COURT: Would that affect you in any way?

19 PROSPECTIVE JUROR: I don't know. I wanted to
20 highlight that.

21 THE COURT: Well, would it affect you -- well,
22 obviously, nobody can be 100 percent certain of anything, but
23 it's important that anyone won't be affected by something that
24 shouldn't be influenced --

25 MR GOLUB: Forgive me, Your Honor. The last person?

Sidebar Conference

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1 Which gentleman are you talking about?

2 PROSPECTIVE JUROR: Right in front of me.

3 MR GOLUB: I'm not quite sure where you were
4 sitting.

5 That would be mine. So talking about José Osvaldo,
6 the gentleman at the far, far end, the last table?

7 PROSPECTIVE JUROR: He is the last one.

8 MR GOLUB: Okay. So it was my client.

9 THE COURT: My question is: Are you confident you
10 wouldn't be affected by the fact that you think you recognize
11 him?

12 PROSPECTIVE JUROR: I mean, I guess.

13 THE COURT: As in why? Thank you. Just go back to
14 your seat.

15 PROSPECTIVE JUROR: Okay.

16 (Prospective juror exits sidebar.)

17 (End of sidebar conference.)

18 (Continued on the next page.)

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Jury Selection

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1 (In open court.)

2 THE COURT: I'm really addressing the questions now
3 to those who were -- the 40 of you that I have called. So if
4 you have a yes answer to one of my questions, just remember
5 it, and when you are in the box we will ask you. Okay.

6 Have any of you served on a jury before, be it
7 state, federal, a trial jury, or a grand jury? If so, please
8 just raise your hand.

9 We will start with what I call the first row, which
10 is the first ten of you. Okay. The first one is Mr. Fox.
11 What was that?

12 PROSPECTIVE JUROR: It was a criminal trial, county.
13 It was a number of years ago.

14 THE COURT: What type of criminal case was it?

15 PROSPECTIVE JUROR: Some sort of fraud, from what I
16 remember.

17 THE COURT: Without telling us the result, did you
18 deliberate with the jury and reach a verdict?

19 PROSPECTIVE JUROR: No.

20 THE COURT: Okay. Who is the next person who had
21 their hand up in row one? We are still on row one. Yes.

22 Mr. Islam, is that right?

23 PROSPECTIVE JUROR: Scarponi is the name.

24 THE COURT: I'm sorry. Mr. Scarponi.

25 PROSPECTIVE JUROR: Yes. I served in a civil suit

Jury Selection

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1 about 15 years ago.

2 THE COURT: Without telling us the result, did you
3 deliberate and reach a verdict?

4 PROSPECTIVE JUROR: No.

5 THE COURT: Would both of you be able to put that
6 experience entirely aside, if you were to sit as a juror in
7 this case?

8 PROSPECTIVE JUROR: Yes.

9 THE COURT: Obviously, the facts are totally
10 different, the law is totally different. If you sat in a
11 civil case, the burden of proof is even different. I mean
12 that's a mere preponderance of the evidence. This is beyond a
13 reasonable doubt. No problem.

14 PROSPECTIVE JUROR: No problem.

15 THE COURT: Anybody in the second row? Okay. We
16 are going down to --

17 PROSPECTIVE JUROR: Pondish.

18 MR. GOLD: I think there is someone in the first row
19 still.

20 THE COURT: I'm sorry?

21 MR. GOLD: I think there is someone in the first
22 row.

23 MR GOLUB: There are a few more seats.

24 THE COURT: I called out the second row. That's all
25 right. I'm sorry. Go ahead.

Jury Selection

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1 PROSPECTIVE JUROR: I was on a civil case.

2 MR GOLUB: Please state your name.

3 PROSPECTIVE JUROR: Pondish, P-O-N-D-I-S-H.

4 THE COURT: You were on a civil case?

5 PROSPECTIVE JUROR: Civil case. They settled.

6 THE COURT: Any problem?

7 PROSPECTIVE JUROR: No.

8 THE COURT: Anyone in the second row?

9 PROSPECTIVE JUROR: Yes. Richard Rendell. I served
10 on a grand jury in Suffolk County three years ago.

11 THE COURT: Any problem?

12 PROSPECTIVE JUROR: No.

13 THE COURT: Totally different. That's a mere
14 preponderance of the evidence -- not preponderance. It's
15 probable cause, you know that.

16 Anyone else in the second row? No one else in the
17 second row. Let's move over to the third row over there.

18 PROSPECTIVE JUROR: Hi. I served on a federal case.

19 THE CLERK: Click the microphone on, please.

20 PROSPECTIVE JUROR: I served on a federal case about
21 18 years ago.

22 THE COURT: A federal grand jury?

23 MR GOLUB: Judge, can we identify her name, please?

24 THE COURT: Yes. This is Ms. -- is it

25 Sturkey-Watson, is that correct?

Jury Selection

40

1 PROSPECTIVE JUROR: Yes.

2 THE COURT: You served on a federal grand jury about
3 ten years ago?

4 PROSPECTIVE JUROR: Around eight to ten years ago,
5 yes.

6 THE COURT: Would you have any difficulty putting
7 that experience aside?

8 PROSPECTIVE JUROR: No.

9 THE COURT: Anyone else in the third row? Yes.
10 This is Mr. Gibbons?

11 PROSPECTIVE JUROR: Yes.

12 THE COURT: Yes.

13 PROSPECTIVE JUROR: I served on a criminal case. It
14 was an armed robbery, and we deliberated.

15 THE COURT: Would you have any difficulty putting
16 that experience aside?

17 PROSPECTIVE JUROR: No.

18 THE COURT: Okay. Anyone else in the third row with
19 prior jury service?

20 Let's move down to the fourth row.

21 PROSPECTIVE JUROR: Hi. This is Jeff Lo.

22 THE COURT: All right. Mr. Lo.

23 PROSPECTIVE JUROR: I served on a criminal case,
24 like eight years ago.

25 THE COURT: Was that in state or federal court?

Jury Selection

41

1 PROSPECTIVE JUROR: I think it was federal court.

2 THE COURT: Okay. What type of case was it?

3 PROSPECTIVE JUROR: It was like a shooting.

4 THE COURT: A shooting?

5 PROSPECTIVE JUROR: Yeah.

6 THE COURT: Did you deliberate with the jury and
7 reach a verdict?

8 PROSPECTIVE JUROR: Yes.

9 THE COURT: Would you have any difficulty putting
10 the experience aside?

11 PROSPECTIVE JUROR: Actually, yes.

12 THE COURT: You don't have to explain. We are going
13 to excuse you. You go back to the central jury room.

14 PROSPECTIVE JUROR: Now?

15 THE COURT: Yes, right now.

16 PROSPECTIVE JUROR: Bogdan Grabowski. I sat on a
17 civil court, and we settled. That was about 15 years ago.

18 THE COURT: Any difficulty?

19 PROSPECTIVE JUROR: No.

20 THE COURT: Okay. Next.

21 PROSPECTIVE JUROR: I served on a jury in
22 California.

23 THE COURT: Is this Ms. Cambria?

24 PROSPECTIVE JUROR: Kelleher, Steinman-Kelleher.

25 THE COURT: I'm sorry. Steinman-Kelleher?

Jury Selection

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1 PROSPECTIVE JUROR: Yes.

2 THE COURT: Okay. You served on a jury in
3 California?

4 PROSPECTIVE JUROR: Yeah.

5 THE COURT: Civil or criminal?

6 PROSPECTIVE JUROR: I think it was criminal. It was
7 so long ago. It was 1990.

8 THE COURT: It was resolved?

9 PROSPECTIVE JUROR: It was resolved.

10 THE COURT: So you didn't deliberate with a jury?

11 PROSPECTIVE JUROR: No.

12 THE COURT: Any problem putting that experience
13 aside?

14 PROSPECTIVE JUROR: None.

15 THE COURT: Anyone else? Mr. Goldberg.

16 PROSPECTIVE JUROR: I served on a criminal case.

17 THE COURT: Was it state or federal court?

18 PROSPECTIVE JUROR: Federal.

19 THE COURT: Criminal. You said criminal?

20 PROSPECTIVE JUROR: Criminal.

21 THE COURT: What type of crime was involved?

22 PROSPECTIVE JUROR: Armed robbery.

23 THE COURT: Did you deliberate with the jury?

24 PROSPECTIVE JUROR: Yes.

25 THE COURT: Any difficulty putting that aside?

Jury Selection

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1 PROSPECTIVE JUROR: No.

2 THE COURT: Anybody else remember? No.

3 Moving right along. You have already heard the
4 indictment and the nature of the charges in this case. In
5 part, they are charges of sex trafficking of minors.

6 THE CLERK: Judge, I have to replace Juror number
7 30.

8 THE COURT: Excuse me?

9 THE CLERK: Juror number 30 I have to replace. Is
10 that the one you dismissed?

11 THE COURT: Oh, we have to replace. Yes. Thank
12 you.

13 THE CLERK: Juror number 30, Joshua Rosen. Thank
14 you.

15 THE COURT: Mr. Rosen, did you have any yes answers
16 to any of my questions thus far?

17 PROSPECTIVE JUROR: No.

18 THE COURT: As I was starting to indicate, in part
19 the charges in this case are of sex trafficking of minors and
20 adults. The indictment charges that the defendants forced,
21 defrauded, or coerced minors and adults to work as prostitutes
22 and retained a share of the proceeds.

23 Obviously, I think all of us can agree that such
24 charges allege disturbing crimes. But, as I have already
25 instructed you, the indictment is a mere charge. It's only an

Jury Selection

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1 accusation. It is not evidence of any kind.

2 The defendants have pleaded not guilty to that
3 indictment. So we assume that they have the same antipathy to
4 such criminal conduct as we do.

5 Moreover, the government bears the burden of proving
6 the defendants' guilt beyond a reasonable doubt.

7 And, as jurors, your task and duty is to consider
8 all of the evidence presented and my instructions on the law,
9 put aside any feelings you may have that interfere with your
10 objectivity, and reach a fair and dispassionate determination
11 as to whether the government has met its burden of proof as to
12 each element of a crime charged against a defendant. It is
13 imperative that any strong personal reaction you may have to
14 the nature of the charge not interfere with your ability to be
15 a fair and impartial juror.

16 So, my question is: Is your personal reaction to
17 these charges so strong that it would interfere with your
18 ability to fairly and impartially decide, based solely on the
19 facts as you hear them during the course of the trial and the
20 law, whether or not the government has proven the elements of
21 a crime against a defendant?

22 Or, put another way: Would your personal reaction
23 to the type of crime charged prevent you from presuming the
24 defendants' innocence or requiring the government to meet its
25 burden of a defendant's guilt by credible evidence beyond a

Jury Selection

45

1 reasonable doubt? Is there anyone who has that problem here?

2 Okay. Wait. Let me see. Anybody in row one?

3 That's Ms. Kouskalis, is that you? We will excuse
4 you.

5 Anybody else in row one?

6 Turning to row two, I see two people right off the
7 bat. Mr. Navallo and Ms. Flores. We excuse you. And,
8 Ms. Galbreth, we excuse you and --

9 MR GOLUB: Someone over here, judge.

10 THE COURT: Oh. That is Mr. Chen?

11 PROSPECTIVE JUROR: Yes. Sorry.

12 THE COURT: We will excuse you.

13 And Mr. Rendell, we will excuse you.

14 MS. ARGO: Your Honor, may we have a brief sidebar?

15 THE COURT: Yes.

16 (Continued on the next page.)

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Sidebar Conference

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1 (Sidebar conference.)

2 MS. ARG0: Your Honor, we do have a large jury
3 pool, which is great, but we would ask that -- and our
4 experience in most other jury selections is -- if someone
5 raises their hand and says they possibly have an issue, that
6 perhaps we inquire further.

7 THE COURT: I would, honestly, but this is such an
8 explosive issue that I just -- I think we will be here for
9 days if we do that. I have read jury selections where judges
10 did that, and I think it was a waste of time.

11 If it gets bad, I will change.

12 MS. ARG0: The only concern, truly, that I have, I
13 think that the government shares, is that what happens is that
14 once jurors see that it's quite easy to get off of the jury --

15 THE COURT: That's the reality. This is a question
16 that I don't want to take any chances with. So let's try it.

17 MS. ARG0: Okay.

18 MR GOLUB: Can we also identify the numbers as we
19 are going along?

20 THE COURT: Yes.

21 (End of sidebar conference.)

22 (Continued on the next page.)

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Jury Selection

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1 (In open court.)

2 MS. KELLMAN: Judge, were the last three, 12, 18,
3 and 19, that Your Honor just excused?

4 THE COURT: 18, Ms. Galbreth; 19 is Mr. Navallo; 20
5 is Ms. Flores.

6 MS. KELLMAN: And 12 is still?

7 THE COURT: And 6, Ms. Kouskalis, was excused.

8 MS. KELLMAN: Thank you, Your Honor.

9 THE COURT: I just want you to -- I'm going to call
10 on you all; and, if your answer to that question is yes, I'm
11 going to excuse you because we don't want anyone sitting on
12 the jury who cannot be dispassionate. I mean, as I said, the
13 defendants have pleaded not guilty. We assume they feel
14 exactly the same way we do.

15 So my only question really is: Do you feel so
16 strongly about the nature of those crimes that you would
17 automatically assume a defendant was guilty? That's really
18 the question.

19 So anyone else? Yes? We have Mr. Samuel. No.
20 I'm -- yes. No. That's Ms. Samuel. I'm sorry.

21 What is your name?

22 PROSPECTIVE JUROR: Eulau, E-U-L-A-U.

23 THE COURT: Mr. Eulau, you are excused.

24 PROSPECTIVE JUROR: Yes.

25 MR GOLUB: That was 16, correct, Your Honor?

Jury Selection

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1 THE CLERK: Yes.

2 THE COURT: Yes, that's number 16.

3 Anybody else in the first row or second row? I'm
4 not in the third row yet or the fourth row. No one else in
5 the first or second row. Okay.

6 Turning to the third row, Ms. Sturkey-Watson, is
7 your hand up?

8 PROSPECTIVE JUROR: No.

9 THE COURT: I'm sorry. It's the person next to you.
10 Ms. Dubrovskaya, number 22, is your hand up?

11 PROSPECTIVE JUROR: Yes.

12 THE COURT: We will excuse you.

13 And, Ms. Powell, your hand is up?

14 PROSPECTIVE JUROR: Yes.

15 THE COURT: We will excuse you.

16 And Mr. Gibbons, your hand is up. We will excuse
17 you.

18 And Ms. Menard, your hand is up. We will excuse
19 you.

20 PROSPECTIVE JUROR: Yes.

21 THE COURT: You are excused. Do you have your hand
22 up?

23 PROSPECTIVE JUROR: Yes.

24 THE COURT: Do you feel you cannot be a fair juror
25 in this case?

Jury Selection

49

1 PROSPECTIVE JUROR: No.

2 THE COURT: Okay. We will excuse you. Is that
3 Mr. Hulse?

4 PROSPECTIVE JUROR: Yes.

5 THE COURT: We will excuse you.

6 Mr. Morano?

7 PROSPECTIVE JUROR: Yes.

8 THE COURT: We will excuse you.

9 Mr. Grabowski, we will excuse you.

10 PROSPECTIVE JUROR: Your Honor, I think --

11 THE CLERK: You skipped one, judge.

12 THE COURT: Oh, not Mr. Grabowski. You are
13 Mr. Rosen?

14 PROSPECTIVE JUROR: Yeah.

15 THE CLERK: Rosen.

16 THE COURT: Mr. Rosen, that's number 30. We will
17 excuse you.

18 In the fourth row we have Mr. Giang, is that right?
19 I'm sorry. That's Ms. Giang.

20 This is Mr. -- what is your name?

21 PROSPECTIVE JUROR: Grabowski.

22 THE COURT: Grabowski. We will excuse you.

23 Ms. Giang, we will excuse you.

24 I'm sorry. Who else had their hand up?

25 Mr. Dhanraj, number 34, we will excuse you.

Jury Selection

50

1 Mr. Abraham?

2 PROSPECTIVE JUROR: Yes.

3 THE COURT: We will excuse you.

4 Mr. Weiss, we will excuse you.

5 Mr. Sinetar, we will excuse you. Okay.

6 Quite a number of jurors to replace. I think we are
7 starting with number six, Dennis.

8 THE CLERK: Juror number 6, Kevin Morris.

9 THE COURT: Number 11.

10 THE CLERK: Juror number 11, Joseph Vitale.

11 THE COURT: Number 12.

12 THE CLERK: Juror number 12, Gil Hizon.

13 THE COURT: Number 16.

14 THE CLERK: Juror number 16, Felipe Osorio Diaz.

15 THE COURT: Number 18.

16 THE CLERK: Juror number 18, Norris Nonkin.

17 THE COURT: Number 19.

18 THE CLERK: Juror number 19, Veronica Rodriguez.

19 THE COURT: Number 20.

20 THE CLERK: Juror number, 20 Francisca Yearwood.

21 THE COURT: Number 22.

22 THE CLERK: Juror number 22, Dominick Albino.

23 THE COURT: Number 23.

24 THE CLERK: Juror number 23, Kumar Patel Bharat,

25 B-H-A-R-A-T.

Jury Selection

51

1 PROSPECTIVE JUROR: Yes.

2 THE COURT: Number 24.

3 THE CLERK: Juror number 24, Piper MacLeod, MacLeod.

4 THE COURT: Number 25.

5 THE CLERK: Juror number 25, Shawn O'Carroll.

6 (Continued on the next page.)

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Jury Selection

52

1 (Continuing.)

2 THE COURT: Number 27.

3 THE COURTROOM DEPUTY: Juror Number 27, Cheryl Lee.

4 THE COURT: Number 28.

5 THE COURTROOM DEPUTY: Juror Number 28, Sharmin

6 Sultana.

7 THE COURT: Number 29.

8 THE COURTROOM DEPUTY: Juror Number 29, Eric Brand.

9 THE COURT: Number 30.

10 THE COURTROOM DEPUTY: Juror Number 30, Jessica

11 Chan.

12 THE COURT: Number 31.

13 THE COURTROOM DEPUTY: Number 31, Hau Mui Ho.

14 THE COURT: Number 34.

15 THE COURTROOM DEPUTY: Juror Number 34, Daisy

16 Salvador.

17 THE COURT: Number 37.

18 THE COURTROOM DEPUTY: Juror Number 37, Timothy

19 Armstrong.

20 THE COURT: Number 38.

21 THE COURTROOM DEPUTY: Juror Number 38, Rahman

22 Jeffers.

23 THE COURT: Number 39.

24 THE COURTROOM DEPUTY: Juror Number 39, Raquel

25 Grant-Lewis.

Jury Selection

53

1 THE COURT: Okay. So if we can get a microphone to
2 Mr. Morris. Mr. Morris is Juror Number 6.

3 Mr. Morris, did you have any "yes" answers to any of
4 my questions?

5 THE PROSPECTIVE JUROR: No, ma'am.

6 THE COURT: Okay. Thank you.

7 Let's move it down to Mr. Vitale, Juror Number 11.

8 THE COURTROOM DEPUTY: Juror Number 11.

9 THE COURT: Did you have any "yes" answers?

10 THE PROSPECTIVE JUROR: Yes.

11 THE COURT: Which question?

12 THE PROSPECTIVE JUROR: I was on a civil case.

13 THE COURT: You served as a juror on a civil case?

14 THE PROSPECTIVE JUROR: And criminal.

15 THE COURT: What type of criminal case was it?

16 THE PROSPECTIVE JUROR: I think a murder.

17 THE COURT: I'm sorry?

18 THE PROSPECTIVE JUROR: Murder.

19 THE COURT: A murder case.

20 Did you deliberate and reach a verdict in the
21 criminal case?

22 THE PROSPECTIVE JUROR: Yes.

23 THE COURT: And did you do the same in the civil
24 case?

25 THE PROSPECTIVE JUROR: Yes.

Jury Selection

54

1 THE COURT: Would you have any difficulty putting
2 those experiences aside?

3 THE PROSPECTIVE JUROR: Yeah, I have difficult.

4 THE COURT: You would have difficulty?

5 THE PROSPECTIVE JUROR: Yes.

6 THE COURT: Okay. We'll excuse you.

7 Moving it along -- just go back to the separate jury
8 room -- Mr. Hizon?

9 THE PROSPECTIVE JUROR: Yes. This case is
10 related -- it happens long time ago in our country in the
11 Philippines, so I know what will be the verdict.

12 THE COURT: And do you have a lot of emotional
13 feelings --

14 THE PROSPECTIVE JUROR: Yes.

15 THE COURT: -- that you think would interfere with
16 your ability to sit as a juror?

17 THE PROSPECTIVE JUROR: Yes.

18 THE COURT: We'll excuse you.

19 We have to send it down to Mr. Osorio Diaz.

20 THE PROSPECTIVE JUROR: Hi. Yes. I have "yes" to
21 two questions.

22 THE COURT: Which ones?

23 THE PROSPECTIVE JUROR: The one about serving in the
24 jury. I served in a state grand jury three years ago.

25 THE COURT: Okay. Will you have any difficulty

Jury Selection

55

1 putting that aside?

2 THE PROSPECTIVE JUROR: No.

3 And the second one was about emotions about the
4 case. I do have some emotions.

5 THE COURT: Do you think you cannot sit as a juror
6 in this case?

7 THE PROSPECTIVE JUROR: No.

8 THE COURT: Okay. We'll excuse you.

9 Let's send it down to Mr. Nonkin, Number 18.

10 THE PROSPECTIVE JUROR: Nonkin, N-O-N-K-I-N, Nonkin.

11 THE COURT: Nonkin. I have this mixed up.

12 Ms. Rodriguez and -- okay, Mr. Nonkin.

13 THE PROSPECTIVE JUROR: I've served on juries. I've
14 served on a civil case -- it was settled before we
15 deliberated -- and two criminal cases, a case of robbery and
16 selling stolen goods, and a case of real estate fraud.

17 THE COURT: Okay. Did you deliberate --

18 THE PROSPECTIVE JUROR: We deliberated on those two
19 cases.

20 THE COURT: You did deliberate.

21 THE PROSPECTIVE JUROR: Yes.

22 THE COURT: Would you have any difficulty putting
23 those experiences aside?

24 THE PROSPECTIVE JUROR: No.

25 THE COURT: Thank you.

Jury Selection

56

1 Ms. Rodriguez?

2 THE PROSPECTIVE JUROR: I didn't have any "yes"
3 answers.

4 THE COURT: Okay.

5 And Ms. Yearwood?

6 THE PROSPECTIVE JUROR: I think I have some strong
7 emotions.

8 THE COURT: You don't think you could sit on this
9 case?

10 THE PROSPECTIVE JUROR: Yes.

11 THE COURT: Okay. We will excuse you.

12 Let's go to -- would you hand it down to Juror
13 Number 22, Mr. Albino?

14 THE PROSPECTIVE JUROR: Albino.

15 THE COURT: Albino, I'm sorry.

16 THE PROSPECTIVE JUROR: I have no "yes" answers.

17 THE COURT: Okay. Thank you.

18 Mr. Patel?

19 THE PROSPECTIVE JUROR: I have no "yes" answers.

20 THE COURT: Okay. Ms. MacLeod?

21 THE PROSPECTIVE JUROR: I have a "yes" answer to
22 personal reaction.

23 THE COURT: Okay. We'll excuse you.

24 Mr. Carol.

25 THE PROSPECTIVE JUROR: O'Carroll.

Jury Selection

57

1 I have a "yes."

2 THE COURT: Which one?

3 THE PROSPECTIVE JUROR: Emotionally.

4 THE COURT: Okay. We'll excuse you.

5 Ms. Lee.

6 THE PROSPECTIVE JUROR: I had a "yes" for I was on a
7 civil case.

8 THE COURT: Okay.

9 THE PROSPECTIVE JUROR: But it was settled.

10 THE COURT: Any problem?

11 THE PROSPECTIVE JUROR: No, no problem.

12 THE COURT: Any other "yes" answers?

13 THE PROSPECTIVE JUROR: No.

14 THE COURT: Ms. Sultana?

15 THE PROSPECTIVE JUROR: No.

16 THE COURT: No problems, okay.

17 THE PROSPECTIVE JUROR: No.

18 THE COURT: Okay. Mr. Brand?

19 THE PROSPECTIVE JUROR: Yes, ma'am. I have just my
20 personal reaction.

21 THE COURT: Okay. We'll excuse you.

22 Ms. Chan?

23 THE PROSPECTIVE JUROR: Yes, I have personal emotion
24 to the question.

25 THE COURT: Okay. We'll excuse you.

Jury Selection

58

1 Ms. Ho?

2 THE PROSPECTIVE JUROR: Yes. I have emotional
3 personal.

4 THE COURT: Okay. We'll excuse you.

5 Ms. Salvador?

6 THE PROSPECTIVE JUROR: Just "yes" to grand jury.

7 THE COURT: Okay. Any difficulty putting that
8 aside?

9 THE PROSPECTIVE JUROR: No.

10 THE COURT: Okay. Mr. Armstrong?

11 THE PROSPECTIVE JUROR: Yes.

12 THE COURT: Mr. Armstrong is 37.

13 THE PROSPECTIVE JUROR: Personal reaction.

14 THE COURT: Personal reaction, we'll excuse you.

15 No. 38, Mr. Jeffers?

16 THE PROSPECTIVE JUROR: "Yes" to the civil case
17 serving.

18 THE COURT: Okay. Can you put that experience
19 aside?

20 THE PROSPECTIVE JUROR: Yes.

21 THE COURT: Okay. Any other "yes" answers?

22 THE PROSPECTIVE JUROR: No.

23 THE COURT: Okay. Ms. Grant-Lewis?

24 THE PROSPECTIVE JUROR: I'm good.

25 THE COURT: You're good? No problems. Good.

Jury Selection

59

1 Great.

2 Okay. Let's replace the jurors we lost. We didn't
3 lose any of the first ten. We are going right to Juror 11.

4 THE COURTROOM DEPUTY: Juror 11, S-A-D-I-Q. Last
5 name is M-A-S-H-R-I-Q-I. First and last name.

6 THE COURT: Okay. Juror Number 12.

7 THE COURTROOM DEPUTY: Juror Number 12, first name
8 is N-A-D-I-I-A. Last name is S-V-I-T-L-Y-N-E-T-S.

9 THE COURT: Okay. Juror Number 16.

10 THE COURTROOM DEPUTY: Juror Number 16, Richard
11 Condon.

12 THE COURT: Juror Number 20.

13 THE COURTROOM DEPUTY: Juror Number 20, Christine
14 Tomelden.

15 THE COURT: Okay. That's Juror Number 20.

16 THE COURTROOM DEPUTY: Juror Number 20. I'm sorry.
17 Yes.

18 THE COURT: Juror Number 24.

19 THE COURTROOM DEPUTY: Juror Number 24, Merilee
20 Johnson.

21 THE COURT: Juror Number 25.

22 THE COURTROOM DEPUTY: Juror Number 25, Jason
23 Banrey.

24 THE PROSPECTIVE JUROR: Here.

25 THE COURT: Juror Number 29.

Jury Selection

60

1 THE COURTROOM DEPUTY: Juror Number 29, Bibi Ali.

2 THE COURT: Juror Number 30.

3 THE COURTROOM DEPUTY: Juror Number 30, David
4 Nguyen.

5 THE COURT: Juror Number 31.

6 THE COURTROOM DEPUTY: Juror Number 31, Clare
7 Cunningham-Vasquez.

8 THE COURT: Juror Number 37.

9 THE COURTROOM DEPUTY: Juror Number 37, Ishvani
10 Sultan. That's it.

11 THE COURT: That's it. Great. Okay.

12 So let me start with Juror Number 11, Mr. Mashriqi;
13 is that correct?

14 THE PROSPECTIVE JUROR: Yes.

15 THE COURT: Did you have any "yes" answers to any of
16 my questions?

17 THE PROSPECTIVE JUROR: Yes, yes. Personal reason.

18 THE COURT: Okay. We'll excuse you.

19 THE PROSPECTIVE JUROR: Thank you.

20 THE COURT: Ms. -- would you pronounce that?

21 THE PROSPECTIVE JUROR: Nguyen.

22 Yes, I have two "yes." I am not fluent in English
23 and --

24 THE COURT: You have a problem speaking English?

25 THE PROSPECTIVE JUROR: Understand.

Jury Selection

61

1 THE COURT: We understand. Go back to the central
2 jury room.

3 THE PROSPECTIVE JUROR: Okay.

4 THE COURT: Mr. Condon, Juror Number 16.

5 THE PROSPECTIVE JUROR: Yeah, personal reaction.

6 THE COURT: Ms. Tomelden, Juror Number 20.

7 THE PROSPECTIVE JUROR: No, ma'am.

8 THE COURT: None?

9 THE PROSPECTIVE JUROR: None.

10 THE COURT: Okay. Great.

11 Let's see. Ms. Johnson, Juror Number 24.

12 Would somebody send back a microphone?

13 MR. GOLUB: What number?

14 MR. DUNN: Twenty-four.

15 MR. GOLUB: Thank you.

16 THE COURT: Ms. Johnson, is that right?

17 THE PROSPECTIVE JUROR: Personal reaction.

18 THE COURT: Okay. That's Juror Number 24. We're
19 excusing Ms. Johnson.

20 Juror Number 25, Mr. Banrey.

21 THE PROSPECTIVE JUROR: No.

22 THE COURT: No problem. Great.

23 Juror Number 29, Ms. Ali?

24 THE PROSPECTIVE JUROR: I have three "yes": Corona,
25 Jackson Heights, and personal.

Jury Selection

62

1 THE COURT: Personal, too. All right. Excused.

2 Juror Number 30. This is Mr. Nguyen.

3 THE PROSPECTIVE JUROR: Yes, I have personal
4 reaction.

5 THE COURT: Personal reaction?

6 THE PROSPECTIVE JUROR: Yes.

7 THE COURT: Okay. Excused.

8 Juror Number 31, Cunningham-Vasquez.

9 THE PROSPECTIVE JUROR: Personal reaction.

10 THE COURT: Okay. You're excused.

11 Thirty-seven, Ms. Sultan.

12 THE PROSPECTIVE JUROR: Personal reaction, yes.

13 THE COURT: Okay. You're excused.

14 All right. Let's replace those jurors starting with
15 11.

16 THE COURTROOM DEPUTY: Eleven or 12?

17 THE COURT: Eleven.

18 THE COURTROOM DEPUTY: Juror Number 11, Catherine
19 Alvear.

20 THE COURT: Juror Number 12.

21 THE COURTROOM DEPUTY: Juror Number 12, Michael
22 Amparo.

23 THE COURT: Juror Number 16.

24 THE COURTROOM DEPUTY: Juror Number 16, Suzanne
25 Esposito.

Jury Selection

63

1 THE COURT: Juror Number 24.

2 THE COURTROOM DEPUTY: Juror Number 24, Rebecca
3 Gibbs.

4 THE COURT: Juror Number 29.

5 THE COURTROOM DEPUTY: Juror Number 29, Julia Page.

6 THE COURT: Julia Page. Good.

7 Juror Number 30.

8 THE COURTROOM DEPUTY: Juror Number 30, David
9 Tirado.

10 THE COURT: Juror Number 31.

11 THE COURTROOM DEPUTY: Juror Number 31, Tanaya
12 Hooks.

13 THE COURT: Juror Number 37.

14 THE COURTROOM DEPUTY: Juror Number 37 is Gloria
15 Aklipi. That's A-K-L-I-P-I.

16 THE COURT: Okay. So could someone give the
17 microphone to Juror Number 11, Ms. Alvear.

18 THE PROSPECTIVE JUROR: Yes. I'm here. I have it.

19 THE COURT: Did you have any "yes" answers?

20 THE PROSPECTIVE JUROR: Yes. Just to location,
21 so --

22 THE COURT: Which location was it?

23 THE PROSPECTIVE JUROR: Jackson Heights, Queens, and
24 Corona.

25 THE COURT: Any problem?

Jury Selection

64

1 THE PROSPECTIVE JUROR: No. That's it.

2 THE COURT: Okay. Mr. Amparo, did you have any
3 "yes" answers?

4 THE PROSPECTIVE JUROR: Yes. The personal reaction.

5 THE COURT: Okay. We'll excuse you.

6 Mr. Esposito, Juror Number 16.

7 THE PROSPECTIVE JUROR: Ms.

8 THE COURT: Ms. Esposito, I'm sorry.

9 THE PROSPECTIVE JUROR: Strong personal reaction.

10 THE COURT: Okay. We'll excuse you.

11 THE COURTROOM DEPUTY: Thank you.

12 THE COURT: Juror Number 24, Ms. Gibbs.

13 THE PROSPECTIVE JUROR: Yes. Strong personal
14 reaction.

15 THE COURT: Okay. We'll excuse you.

16 Juror Number 29, Ms. Page.

17 THE COURTROOM DEPUTY: Excuse me one second, Judge.
18 Miss? Second row, Number 37. Right next to -- can I have
19 your name please?

20 THE PROSPECTIVE JUROR: Gloria Akliipi.

21 THE COURT: You are going to be Number 37.

22 THE COURTROOM DEPUTY: No. I think 37 --

23 THE PROSPECTIVE JUROR: I was 37.

24 THE COURTROOM DEPUTY: You were 37, right?

25 THE PROSPECTIVE JUROR: Yeah.

Jury Selection

65

1 THE CLERK: What number?

2 THE COURTROOM DEPUTY: No. She's not excused.

3 What's your name?

4 THE PROSPECTIVE JUROR: I'm Hooks.

5 THE COURT: Hooks?

6 THE PROSPECTIVE JUROR: Yes.

7 THE COURTROOM DEPUTY: Hooks is 31.

8 THE PROSPECTIVE JUROR: I'm sorry.

9 THE COURT: I'm sorry, it really is important that
10 we get you in the right seat or we never know who we are
11 talking to.

12 So I excused Ms. Gibbs, I spoke with Ms. Page. Did
13 I speak with Ms. Page?

14 THE COURTROOM DEPUTY: No.

15 THE PROSPECTIVE JUROR: I have no "yes" answers.

16 THE COURT: No problems?

17 THE PROSPECTIVE JUROR: No.

18 THE COURT: Okay.

19 Mr. Tirado?

20 THE PROSPECTIVE JUROR: "Yes" to personal reaction.

21 THE COURT: Okay. Excused.

22 Ms. Hooks?

23 THE PROSPECTIVE JUROR: "Yes" to personal reaction.

24 THE COURT: Excused.

25 Ms. Aklipi?

Jury Selection

66

1 THE PROSPECTIVE JUROR: Yes, right here.

2 "Yes" to personal reaction.

3 THE COURT: Okay. Excused.

4 Okay. Let's replace those jurors. I guess we're
5 starting with Number 12.

6 THE COURTROOM DEPUTY: Juror Number 12, Tamar Samir.

7 THE PROSPECTIVE JUROR: Yeah.

8 THE COURT: Juror Number 16.

9 THE COURTROOM DEPUTY: Juror Number 16 Anna -- I
10 will spell the last name. T-S-U-I.

11 THE COURT: Juror Number 24.

12 THE COURTROOM DEPUTY: Juror Number 24, Robert
13 Cannon.

14 THE COURT: Juror 30.

15 THE COURTROOM DEPUTY: Juror 30, Ezra Wan.

16 THE COURT: Juror 31.

17 THE COURTROOM DEPUTY: Juror Number 31, Joseph
18 Marcus.

19 THE COURT: Juror Number 37.

20 THE COURTROOM DEPUTY: Juror Number 37. First name
21 is A-N-I-L-K-U-M-A-R. Last name is D-A-R-J-I. Second row,
22 sir.

23 THE COURT: Okay. That's everyone.

24 So would you please hand the microphone to Juror
25 Number 12, Ms. Samir?

Jury Selection

67

1 THE PROSPECTIVE JUROR: Yes. I have it.

2 THE COURT: Okay. Any "yes" answers?

3 THE PROSPECTIVE JUROR: "Yes" to serving on a civil
4 case that was settled.

5 THE COURT: Any difficulty?

6 THE PROSPECTIVE JUROR: No. And "yes" to personal
7 reaction to this.

8 THE COURT: Okay. There's a difficulty there.
9 Okay. You're excused.

10 Ms. Tsui?

11 THE PROSPECTIVE JUROR: Yes.

12 THE COURT: Did you have any "yes" answers?

13 THE PROSPECTIVE JUROR: No. Personal reaction.

14 THE COURT: You do have a personal reaction problem?

15 THE PROSPECTIVE JUROR: Yes. Yes.

16 THE COURT: Okay. We'll excuse you.

17 Mr. Cannon, Number 24.

18 THE PROSPECTIVE JUROR: Yes. Personal.

19 THE COURT: Personal reaction, okay.

20 Mr. Wan, Number 30?

21 THE PROSPECTIVE JUROR: Yes. Personal reaction.

22 THE COURT: You're excused.

23 THE PROSPECTIVE JUROR: Thank you.

24 THE COURT: Mr. Marcus?

25 THE PROSPECTIVE JUROR: Yes. Personal reaction.

Jury Selection

68

1 THE COURT: You're excused.

2 Mr. Darji?

3 THE PROSPECTIVE JUROR: Yes. I have some language
4 problem.

5 THE COURT: Language difficulty?

6 THE PROSPECTIVE JUROR: Yeah.

7 THE COURT: We'll excuse you. You just go back to
8 the central jury room.

9 We'll replace the jurors, so we are starting with
10 Number 12.

11 THE COURTROOM DEPUTY: Juror Number 12, Yeon Kim
12 So -- Yeon Kim.

13 THE COURT: Ms. Kim, okay.

14 Juror Number 16.

15 THE COURTROOM DEPUTY: Juror Number 16, Shakeina
16 Carlton.

17 THE COURT: Juror Number 24.

18 THE COURTROOM DEPUTY: Juror Number 24, Annie
19 Wilson.

20 THE COURT: Juror Number 30.

21 THE COURTROOM DEPUTY: Juror Number 30, Mandy Li or
22 Li, I don't know.

23 THE COURT: Juror Number 31.

24 THE COURTROOM DEPUTY: Juror Number 31, Bernice
25 Pfluger.

Jury Selection

69

1 THE COURT: Juror Number 37.

2 THE COURTROOM DEPUTY: Juror Number 37, Mezana
3 Moshin?

4 THE PROSPECTIVE JUROR: Here.

5 THE COURT: Okay. So would you please hand the
6 microphone to Ms. Kim.

7 THE PROSPECTIVE JUROR: Yes. I have "yes" answer to
8 personal emotion.

9 THE COURT: Did you have any "yes" answers?

10 THE PROSPECTIVE JUROR: Yes.

11 THE COURT: To which one?

12 THE PROSPECTIVE JUROR: To personal emotion.

13 THE COURT: Okay. We'll excuse you.

14 Ms. Carlton?

15 THE PROSPECTIVE JUROR: "Yes" to personal reaction.

16 THE COURT: Okay. You are excused.

17 Ms. Wilson is Juror Number 24.

18 THE PROSPECTIVE JUROR: No.

19 THE COURT: Okay. You didn't have any "yes" answers
20 to anything?

21 THE PROSPECTIVE JUROR: No.

22 THE COURT: Okay. Ms. Li, Juror Number 30.

23 THE PROSPECTIVE JUROR: Yes.

24 THE COURT: Ms. Lee, did you have any "yes" answers
25 to any of my questions?

Jury Selection

70

1 THE PROSPECTIVE JUROR: Yes.

2 THE COURT: Which one?

3 THE PROSPECTIVE JUROR: Personal reactions.

4 THE COURT: Okay. You are excused.

5 Ms. Pfluger?

6 THE PROSPECTIVE JUROR: Yes.

7 THE COURT: Did you have any "yes" answers?

8 THE PROSPECTIVE JUROR: Yes. I served in criminal
9 court, state.

10 THE COURT: What type of crime was it?

11 THE PROSPECTIVE JUROR: Drug bust.

12 THE COURT: Did you deliberate with the jury and
13 reach a verdict?

14 THE PROSPECTIVE JUROR: No.

15 THE COURT: Any difficulty putting the experience
16 aside?

17 THE PROSPECTIVE JUROR: No.

18 THE COURT: Ms. Mohsin.

19 THE PROSPECTIVE JUROR: Yes.

20 THE COURT: That's number 37.

21 THE PROSPECTIVE JUROR: Personal.

22 THE COURT: Personal, okay. You are excused.

23 So let's replace starting with Juror Number -- I'm
24 sorry, there's somebody else with their hand up. Yes, that is
25 Mr. Hossain?

Jury Selection

71

1 THE PROSPECTIVE JUROR: Yes.

2 THE COURT: We need a microphone down here.

3 THE PROSPECTIVE JUROR: I think I came, like, couple
4 of year ago and I step out because I was self-employed, so
5 today I have a personal --

6 THE COURT: I'm sorry. I can't hear you. Could you
7 repeat that?

8 THE PROSPECTIVE JUROR: I came, like, a couple of
9 year ago, so I was self-employed, so that's why I was not into
10 here so they say you can step out.

11 THE COURTROOM DEPUTY: He came a couple years ago
12 and --

13 THE PROSPECTIVE JUROR: I was self-employed, so I
14 step out.

15 THE COURTROOM DEPUTY: He was self-employed.

16 THE PROSPECTIVE JUROR: They say you can't go for
17 it, so you can come for next time.

18 THE COURTROOM DEPUTY: Say it again.

19 THE COURT: Mr. Hossain, are you saying it would be
20 a hardship for you to sit on this jury?

21 THE PROSPECTIVE JUROR: Yeah, so I have a
22 personal --

23 THE COURT: Okay. I'm going to address that, but
24 for now, we'll just let you go.

25 THE PROSPECTIVE JUROR: Okay. Thank you.

Jury Selection

72

1 But let me simply explain when we get to that
2 question, it's going to be a question of significant hardship
3 because it's --

4 THE COURTROOM DEPUTY: Did you dismiss him?

5 THE COURT: Yes, I did dismiss him. Let's replace
6 Mr. Hossain.

7 MS. ARG0: Your Honor, may we have just another
8 brief sidebar?

9 THE COURT: Yes.

10 (Sidebar.)

11 (Continued on next page.)

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Sidebar

73

1 (Sidebar conference held on the record out of the
2 hearing of the jury.)

3 MS. ARG0: Your Honor, the issue is, it seems like
4 people are just saying they have a personal reaction rather
5 than saying they can't be fair and impartial jurors.

6 THE COURT: Okay. I will emphasize that.

7 MS. ARG0: I think maybe if you repeat that a few
8 times.

9 MS. HAJJAR: And your next question is going to
10 elicit the most -- I'm afraid that everyone we just put in
11 those first rows are going to say that they have a strong
12 personal reaction to the next question which Your Honor notes
13 five other things which elicits personal reactions in almost
14 every single person, and I'm worried that the jurors are so
15 primed to say "personal reaction." Indeed the juror that just
16 said I have a hardship was about to say "I have a personal,"
17 because knowing that that phrase is what's going to get them
18 out and so that's our --

19 THE COURT: Okay. We are getting pretty close on
20 what I would consider to be the worst crimes, so --

21 MS. ARG0: I think perhaps Your Honor would consider
22 that the question be: "Even if you do have a personal
23 reaction" --

24 THE COURT: I will. I'll do that.

25 MS. ARG0: -- "can you still put that aside and be

Sidebar

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1 fair and impartial?"

2 THE COURT: I will do that. That's fine.

3 MS. ARGO: Thank you, Your Honor.

4 (Sidebar end.)

5 (Continued on following page.)

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Jury Selection

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1 (In open court.)

2 THE COURT: I just want you to understand, because
3 I'm going to be more specific as we go on, just saying
4 "personal reaction" doesn't really mean anything because
5 obviously we all have personal reactions, which is the way I
6 started the question. The question is, can you put aside any
7 feelings you may have about simply the nature of a crime that
8 someone is accused of when that person has pleaded "I'm not
9 guilty" and the Government is required to prove it beyond a
10 reasonable doubt. So just saying you find something
11 personally distasteful is not enough, and I think I started
12 there with this question, maybe you forgot it, but that's not
13 enough because it's distasteful to all of us. It's
14 distasteful to the defendants who pleaded not guilty. They're
15 presumed to be innocent. Okay.

16 So do you understand that question now?

17 THE PROSPECTIVE JURORS: Yes.

18 THE COURT: Has this clarified it for anyone? Okay.
19 We are replacing Mr. Hossain.

20 THE COURTROOM DEPUTY: Juror Number 3.

21 THE COURT: Number 3.

22 THE COURTROOM DEPUTY: Juror Number 3, Christopher
23 Snow.

24 THE COURT: Mr. Snow, did you have any "yes" answers
25 to any of my questions?

Jury Selection

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1 THE PROSPECTIVE JUROR: Yes.

2 THE COURT: Which ones?

3 THE PROSPECTIVE JUROR: I can't put aside my
4 personal judgment.

5 THE COURT: You can't put your personal judgments
6 aside even though you know that the defendants pleaded not
7 guilty?

8 THE PROSPECTIVE JUROR: Yes.

9 THE COURT: We are not saying, do you believe in
10 trafficking.

11 THE PROSPECTIVE JUROR: I know.

12 THE COURT: Okay. You are excused.

13 THE COURTROOM DEPUTY: Juror Number 3, John Young.

14 THE COURT: Mr. Young, did you have any "yes"
15 answers to any of my questions?

16 THE PROSPECTIVE JUROR: Yes, I do. I have a
17 personal reaction to it. I cannot put it aside. I
18 understand.

19 THE COURT: We are always going to have that
20 personal reaction because we all have that personal reaction,
21 but that's not going to be the issue. The issue in the case
22 is that there are very specific crimes that are charged.

23 THE PROSPECTIVE JUROR: Yeah. My father was a
24 police officer working nights in midtown for a bunch of years.
25 I've heard a ton of stories from him, and I've seen where this

Jury Selection

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1 goes.

2 THE COURT: Okay. I'm not going to make you sit on
3 this jury, obviously, and we will ask a question about law
4 enforcement later, but this is a serious case, and it's an
5 important case. It's important to the defendants; it's
6 important to the Government. The Court just needs to have
7 jurors that can be relied on to use their intelligence and not
8 function blindly, so if you can't do that, please go back to
9 the central jury room.

10 Would you please replace Mr. Young.

11 THE COURTROOM DEPUTY: Sure.

12 Juror Number 3, Emilia Leon.

13 THE COURT: Ms. Leon, did you have any "yes"
14 answers?

15 THE PROSPECTIVE JUROR: I have no problem.

16 THE COURT: Okay. Thank you.

17 Okay. We must replace Juror Number 12.

18 THE COURTROOM DEPUTY: Juror Number 12, Peter
19 Butchen.

20 THE COURT: Mr. Butchen?

21 We will just go ahead and replace these people.
22 Number 16.

23 THE COURTROOM DEPUTY: Sure.

24 Juror Number 16, Stephanie Mazarakis.

25 THE COURT: Juror Number 30.

Jury Selection

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1 THE COURTROOM DEPUTY: Juror Number 30, Najah
2 Morris.

3 THE COURT: Juror Number 37.

4 THE COURTROOM DEPUTY: Juror Number 37, Roberto
5 Bonelli, B-O-N-E-L-L-I.

6 THE COURT: So we are going back to Mr. Butchen,
7 Number 12.

8 THE PROSPECTIVE JUROR: Right.

9 THE COURT: Okay. Any "yes" answers to any of my
10 questions?

11 THE PROSPECTIVE JUROR: Yes. I don't think I can be
12 impartial in this, truthfully. It sounds complicated, there's
13 a lot to keep straight. I have trouble keeping stuff like
14 that all in my head.

15 THE COURT: Let me explain something.

16 THE PROSPECTIVE JUROR: Yeah.

17 THE COURT: It sounded really complicated when I
18 read the indictment, but it's my job and the job of the
19 lawyers to make sure that everything is sorted out and made
20 absolutely clear before a juror is called upon to do anything.
21 Obviously, if they don't understand it, they won't be able to
22 decide it, so that's what the trial is about. Don't worry
23 about that. I just want to tell you all --

24 THE PROSPECTIVE JUROR: I'm worried about it.

25 THE COURT: -- it sounded like a very complicated

Jury Selection

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1 indictment.

2 THE PROSPECTIVE JUROR: If my wife's not next to me,
3 I can't keep track of stuff.

4 THE COURT: You can't keep track of stuff. You
5 don't want to serve, I know, so we'll excuse you.

6 Ms. Mazarakis, Number 16.

7 THE PROSPECTIVE JUROR: Yes. Very strong opinion.

8 THE COURT: Again, is this something that's so
9 strong that you just can't look at evidence and make a
10 decision about something?

11 THE PROSPECTIVE JUROR: Absolutely. I'm a school
12 teacher and I deal with the population of the adolescent teens
13 and it's --

14 THE COURT: I'm not going to ask you to explain
15 yourself. If you feel that you can't do it, you can't do
16 it --

17 THE PROSPECTIVE JUROR: Thank you.

18 THE COURT: -- so I'll excuse you.

19 Mr. Morris, are you the next one, Number 30?

20 I'm sorry, who did I miss?

21 THE COURTROOM DEPUTY: Najah.

22 THE PROSPECTIVE JUROR: Yes --

23 MR. GOLUB: What number?

24 THE PROSPECTIVE JUROR: Thirty.

25 THE COURTROOM DEPUTY: Thirty.

Jury Selection

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1 THE COURT: Number 30.

2 THE COURTROOM DEPUTY: Najah Morris.

3 THE PROSPECTIVE JUROR: Morris, yes.

4 I have a strong reaction to it.

5 THE COURT: And it's the kind of strong reaction
6 that even knowing that somebody has pleaded not guilty and the
7 only question is, did the Government prove guilt beyond a
8 reasonable doubt of very specific elements of specific crimes
9 that I will explain to you, you still think you can't do it?

10 THE PROSPECTIVE JUROR: Yes.

11 THE COURT: Okay. You are excused.

12 Mr. Bonelli, Number 37, is that the next one?

13 THE COURTROOM DEPUTY: Yes.

14 THE PROSPECTIVE JUROR: Yes, Your Honor, I actually
15 have -- I cannot remain dispassionate on this particular
16 issue, and I think that's going to be a problem.

17 THE COURT: Well, nobody is dispassionate about the
18 crimes that are charged. None of us --

19 THE PROSPECTIVE JUROR: I think it would run
20 contrary to my beliefs. I'm an immigrant -- a legal
21 immigrant, so I have certain opinions about illegal
22 immigration.

23 THE COURT: Okay. You are excused.

24 Let's replace him. Number 12.

25 THE COURTROOM DEPUTY: Number 12, Shalayua Spencer.

Jury Selection

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1 THE COURT: No. 16.

2 THE COURTROOM DEPUTY: Number 16, Jasira Matos.

3 THE COURT: Number 30.

4 THE COURTROOM DEPUTY: Number 30, Manish Koirala.

5 THE COURT: Number 37.

6 THE COURTROOM DEPUTY: Number 37, Delores Swearing.

7 THE COURT: Ms. Spencer, Number 12.

8 THE PROSPECTIVE JUROR: Yes. I have a "yes" answer.

9 I sat in 2012 on a federal case.

10 THE COURT: What type of crime was it?

11 THE PROSPECTIVE JUROR: Terrorist -- they were
12 trying to blow up JFK.

13 THE COURT: Okay.

14 THE PROSPECTIVE JUROR: Terrorism.

15 MR. HUESTON: Judge, can we have a sidebar?

16 THE COURT: Yes.

17 (Sidebar.)

18 (Continued on next page.)

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Sidebar

82

1 (Sidebar conference held on the record out of the
2 hearing of the jury.)

3 MR. HUESTON: Judge, there were two JFK terrorist
4 trials, I was in the second one, so I may not have
5 participated in the one that she's talking about.

6 THE COURT: Right.

7 MR. HUESTON: I just think we need to make an
8 inquiry about that.

9 THE COURT: How do I --

10 MS. KELLMAN: One was in front of Judge Dearie,
11 right?

12 MR. HUESTON: They were both in front of Judge
13 Irizarry.

14 THE COURT: Is there another way to distinguish
15 them?

16 MR. HUESTON: Mine was a sole defendant. The other
17 one had multiple defendants.

18 THE COURT: Okay.

19 MS. ARGO: Wouldn't she have identified you when you
20 stood up?

21 MR. HUESTON: She may not have remembered. It was
22 2012.

23 THE COURT: We will find out the answer --

24 MS. KELLMAN: What was the difference in the years?
25 One was 2012 and --

Sidebar

83

1 MR. HUESTON: One was 2011 and the other one was
2 2012.

3 THE COURT: Okay. One defendant versus --

4 MR. HUESTON: There was only one defendant in my
5 case.

6 THE COURT: Okay.

7 (Sidebar end.)

8 (Continued on following page.)

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Jury Selection

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1 (In open court.)

2 THE COURT: Ms. Spencer, how many defendants were in
3 that case? Was it a bunch of defendants?

4 THE PROSPECTIVE JUROR: Yes. It was a few, yes.

5 THE COURT: It was a number of defendants. Okay.
6 That's fine.

7 Anything else?

8 THE PROSPECTIVE JUROR: No.

9 THE COURT: Okay. Ms. Matos?

10 THE PROSPECTIVE JUROR: No.

11 THE COURT: No "yes" answers?

12 THE PROSPECTIVE JUROR: No "yes" answers.

13 THE COURT: Okay.

14 THE PROSPECTIVE JUROR: Manish?

15 THE COURT: Yes.

16 THE PROSPECTIVE JUROR: No "yes" answers.

17 THE COURT: Koirala?

18 THE PROSPECTIVE JUROR: Yes, that's right.

19 No "yes" answers.

20 THE COURT: No "yes" answers. Wonderful.

21 Ms. Swearing?

22 THE PROSPECTIVE JUROR: None, Your Honor.

23 THE COURT: Okay. We got through that.

24 All right. I suspect with the last question, we may
25 have resolved the next question, but we'll see.

Jury Selection

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1 As you know from the indictment, in addition to the
2 charges that we have been talking about, which was sex
3 trafficking charges, there are also charges of alien
4 smuggling, money laundering, illegal entry, and distributing
5 the proceeds of prostitution.

6 Are any of you so disturbed by the nature of these
7 charges that you couldn't put that reaction aside, listen to
8 the evidence, listen to the law, and make up your mind as to
9 whether or not the Government proved the guilt of a defendant
10 with respect to a particular charge beyond a reasonable doubt?

11 Okay. I also expect that witnesses in this case
12 will testify that they have been raped, emotionally and
13 physically beaten and abused, sexually assaulted, and forced
14 to have abortions.

15 Are any of you so uncomfortable at the prospect of
16 hearing -- just hearing such testimony -- that it would be
17 difficult for you to listen to the evidence, judge the
18 evidence fairly and impartially, and determine whether the
19 Government has met its burden of proving each element of a
20 crime charged beyond a reasonable doubt?

21 Okay. That's Ms. Ochia. Let's talk at sidebar.

22 (Sidebar.)

23 (Continued on next page.)

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Sidebar

86

1 (Sidebar conference held on the record out of the
2 hearing of the jury.)

3 THE COURT: That's fine. You sit. We'll stand
4 around you.

5 What is it?

6 THE PROSPECTIVE JUROR: I don't think that
7 emotional -- I could sit and listen to the sexual --

8 THE COURT: You couldn't listen to someone testify
9 to that?

10 THE PROSPECTIVE JUROR: Not describing what has
11 occurred. Emotionally, I --

12 THE COURT: Well, we don't know if they're telling
13 the truth or not.

14 THE PROSPECTIVE JUROR: But it has an impact. I
15 think that my -- my emotions would obstruct my ability to --
16 not only to listen but to make --

17 THE COURT: We will excuse you.

18 THE PROSPECTIVE JUROR: -- make a sound decision.

19 THE COURT: We'll excuse you.

20 (Sidebar end.)

21 (Continued on following page.)

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Jury Selection

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1 THE COURT: Does anyone else have a yes answer to
2 that question?

3 (Prospective jury panel indicates.)

4 THE COURT: Okay. I see a hand up over there.
5 That's Mr. Nonkin -- oh, I'm sorry, Ms. Rodriguez.

6 I want to emphasize here that, of course, what I
7 told you, is not good. Now, we all have that reaction. But
8 the job of a juror is to listen to the evidence and to see
9 who is telling the truth and who's not telling the truth.
10 And make a determination as to whether or not, given the
11 Government's burden, it's proved beyond a reasonable doubt
12 that the defendant is guilty of specific crimes, that a
13 defendant is guilty of a specific crime that has specific
14 elements. And that's the question.

15 Would you have a problem with that?

16 PROSPECTIVE JUROR: Yes.

17 THE COURT: Speak out loud.

18 PROSPECTIVE JUROR: I work with patients --

19 THE COURT: The mic. Send the mic down.

20 MR. GOLUB: Can you identify the person?

21 PROSPECTIVE JUROR: I work with patients who deal
22 with this on a daily basis and it's already very emotionally
23 stressful.

24 THE COURT: I understand. Well, let's excuse you.

25 Is there anyone else in the first or second row?

Jury Selection

88

1 Anyone in the third or fourth row with a yes
2 answer to the last question.

3 (No visual response from prospective jury panel.)

4 THE COURT: Okay.

5 MR. GOLUB: Judge, you have somebody in the first
6 one.

7 THE COURT: Oh, I'm sorry. Where is that?

8 PROSPECTIVE JUROR: Over here.

9 THE COURT: One, two, three, four -- Ms. Caselli.

10 PROSPECTIVE JUROR: Yes.

11 THE COURT: You had a yes answer to that question?

12 PROSPECTIVE JUROR: Yes. I personally been
13 through something like that.

14 THE COURT: Okay. We'll excuse you.

15 PROSPECTIVE JUROR: Thank you.

16 (Juror exits the courtroom.)

17 THE COURT: Anyone else with a yes answer?

18 (No visual response from prospective jury panel.)

19 THE COURT: Okay. Let's replace -- we'll start
20 with Juror Number 4.

21 THE COURTROOM DEPUTY: Juror Number 4, Paula Moe.

22 THE COURT: What number?

23 THE COURTROOM DEPUTY: 103.

24 THE COURT: And juror?

25 THE COURTROOM DEPUTY: 5.

Jury Selection

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1 THE COURT: I'm sorry?

2 THE COURTROOM DEPUTY: 5.

3 THE COURT: 5.

4 THE COURTROOM DEPUTY: Yes.

5 THE COURT: Thank you. Okay. What's the next
6 one?

7 THE COURTROOM DEPUTY: Juror Number 5, Amanda
8 Mills.

9 And Number 19, Judge.

10 THE COURT: Okay.

11 THE COURTROOM DEPUTY: Number 19, no.

12 THE COURT: 19 has their hand up?

13 THE COURTROOM DEPUTY: No, 19 was dismissed.

14 THE COURT: Oh, 19 was dismissed. Oh, yes, Juror
15 Number 19.

16 THE COURTROOM DEPUTY: Juror Number 19, Dana
17 Lumetta, L-U-M-E-T-T-A. Okay.

18 THE COURT: Okay. Let's start with Ms. Moe.

19 PROSPECTIVE JUROR: I have a problem with
20 personal.

21 THE COURT: Okay. Do you remember what I said
22 about a personal reaction? We have all got personal
23 reactions. You couldn't be fair, is that what you're
24 saying?

25 PROSPECTIVE JUROR: I can't do it.

Jury Selection

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1 THE COURT: Okay. You're excused.

2 (Juror exits the courtroom.)

3 Ms. Mills?

4 PROSPECTIVE JUROR: I consult on these cases
5 professionally, so I think it's overload.

6 THE COURT: Well, I can appreciate that you have
7 some familiarity with the issue. The question is, would you
8 be able to, you know, and understanding that you're
9 sensitive to it, let me assume all of us are sensitive.

10 PROSPECTIVE JUROR: Yes, yeah, I'm not so much
11 sensitivity to it as much as it's self-care. It's not
12 overloading myself with kind of information and I do it
13 almost daily.

14 THE COURT: Well, that doesn't necessarily mean
15 that you can't be fair. I mean, we don't -- we assume, and
16 the defendants are innocent.

17 PROSPECTIVE JUROR: Absolutely.

18 THE COURT: So my question to you is: Can you
19 presume the defendants innocent unless and until the
20 Government proves guilt beyond a reasonable doubt of very
21 specific elements and specific crimes?

22 PROSPECTIVE JUROR: I don't think that I can do it
23 healthy -- in a healthy way.

24 THE COURT: You don't think you could do it?

25 PROSPECTIVE JUROR: (Shaking head negatively.)

Jury Selection

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1 THE COURT: Okay. We'll excuse you.

2 (Juror exits courtroom.)

3 THE COURT: And Ms. Lumetta, Number 19?

4 PROSPECTIVE JUROR: All nos from me, nothing.

5 THE COURT: All nos, wonderful.

6 Okay. And is that the last one we did?

7 THE COURTROOM DEPUTY: Yes.

8 THE COURT: Okay. So let's replace 3 and 4 -- no
9 I'm sorry, 4 and 5.

10 THE COURTROOM DEPUTY: Juror Number 4, Amanda
11 Belfi.

12 And Juror Number 5, Jennifer Daley.

13 Ms. Daley.

14 THE COURT: Yes, I think you have to switch seats.

15 Okay. Ms. Belfi, did you have any yes answers?

16 PROSPECTIVE JUROR: Personal.

17 THE COURT: Okay. Again, we know we all have
18 personal reactions here. There's no doubt about that, we
19 ought to have our personal reactions, but that's not a
20 juror's job.

21 So the question is really can you simply do your
22 job of listening to the evidence and making a determination
23 as to whether or not the Government proved every single
24 element of a crime beyond a reasonable doubt against a
25 specific defendant? That's all I'm asking.

Jury Selection

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1 PROSPECTIVE JUROR: Probably not because I have a
2 liability.

3 THE COURT: I'm sorry?

4 PROSPECTIVE JUROR: I probably can't.

5 THE COURT: You probably can or you probably
6 can't?

7 PROSPECTIVE JUROR: Can't.

8 THE COURT: Okay. You're excused.

9 (Juror exits courtroom.)

10 THE COURT: Ms. Daley?

11 PROSPECTIVE JUROR: I'm okay.

12 THE COURT: You're okay.

13 PROSPECTIVE JUROR: (Witness nodding head
14 affirmatively.)

15 THE COURT: All right. You didn't have any yes
16 answers to any of the questions?

17 PROSPECTIVE JUROR: No.

18 THE COURT: Okay. Thank you.

19 Let's replace Ms. Belfi.

20 THE COURTROOM DEPUTY: Juror Number 4, Naveed
21 Iqbal.

22 (Pause in proceedings.)

23 THE COURT: The court reporter is reminding me, I
24 can see it when you shake your head no, but he can't put it
25 down in the record. So we have to say yes or no to things.

Jury Selection

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1 Okay. So Mr. Iqbal, did you have any yes answers
2 to any of my questions?

3 PROSPECTIVE JUROR: Yes. The problem is I cannot
4 understand fully.

5 THE COURT: The English language.

6 PROSPECTIVE JUROR: Yes.

7 THE COURT: We'll excuse you.

8 PROSPECTIVE JUROR: Thank you.

9 (Juror exits courtroom.)

10 THE COURTROOM DEPUTY: Juror Number 4, Susan
11 Spears. Susan Spears, S-P-E-A-R-S.

12 THE COURT: Is Susan Spears here?

13 THE COURTROOM DEPUTY: Spears.

14 Should I go to the next one, Judge?

15 Go to the next one?

16 THE COURT: Go to the next one.

17 THE COURTROOM DEPUTY: Juror Number 4, Kevin
18 Castillion.

19 THE COURT: Mr. Castillion, did you have any yes
20 answers to any of my questions?

21 PROSPECTIVE JUROR: No, I did not.

22 THE COURT: Thank you.

23 Okay. I expect that, I'm sure you do by now, too,
24 this case will involve testimony about prostitution and that
25 witnesses will testify that they have been involved in

Jury Selection

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1 prostitution. Would you disbelieve a person's testimony
2 simply because that person had had some involvement in some
3 way with prostitution?

4 Okay. Do any of you believe that prostitution
5 should be legalized?

6 (Prospective jury panel indicates.)

7 THE COURT: Have any of you --

8 MR. GOLUB: We have raised hands.

9 THE COURT: I'm sorry, someone has their hand up,
10 okay. That's -- someone on the second row. Let me see who
11 that is again.

12 MS. KELLMAN: Number 33, Judge.

13 THE COURT: 33.

14 THE COURTROOM DEPUTY: 33.

15 THE COURT: Thank you very much. Ms. Sheridan.

16 PROSPECTIVE JUROR: Yes.

17 THE COURT: My question really is: Will that --
18 do you believe that it should be legalized?

19 PROSPECTIVE JUROR: I do, yes.

20 THE COURT: Okay. Will that belief interfere with
21 you ability to listen to the evidence with an open mind and
22 evaluate the case based on the law as I instruct it to you?

23 PROSPECTIVE JUROR: No.

24 THE COURT: No?

25 PROSPECTIVE JUROR: No.

Jury Selection

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1 THE COURT: Okay. Have you or anyone close to you
2 ever worked with, solicited or known someone who worked in
3 prostitution? And by worked with, I include in a position
4 such as a social worker.

5 Anyone?

6 (No visual response from prospective jury panel.)

7 THE COURT: Okay. Do any of you feel that the
8 laws of this country governing sexual exploitation are
9 unfair, that they're too lax or they're too strict.

10 (No visual response from prospective jury panel.)

11 THE COURT: Okay. Have any of you or anyone very
12 close to you ever lobbied for or against laws relating to
13 domestic violence, abortion, sexual abuse, sex trafficking,
14 prostitution, or sex crimes against minors?

15 (No visual response from prospective jury panel.)

16 THE COURT: Anyone who has lobbied?

17 (No visual response from prospective jury panel.)

18 THE COURT: Okay. Have anyone -- have any of you
19 or anyone close to you ever been a complainant, a victim, a
20 witness or a defendant in an offense or proceeding involving
21 sexual abuse or sex exploitation?

22 (Prospective jury panel indicates.)

23 THE COURT: Let's have a sidebar.

24 (Continued on the next page.)

25

Sidebar Conference

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1 (The following occurred at sidebar.)

2 THE COURT: Okay. This is Juror Number 29,

3 Ms. Page.

4 (Prospective juror approaches.)

5 THE COURT: Okay. Go ahead, Ms. Page.

6 PROSPECTIVE JUROR: I was a victim of an abuse
7 crime when I was a minor.

8 THE COURT: Okay. Do you think that would affect
9 you if you were to sat as a juror?

10 PROSPECTIVE JUROR: I don't.

11 THE COURT: Thank you.

12 (Continued on next page.)

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Jury Selection

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1 (Sidebar ends; in open court.)

2 THE COURT: Anyone else with a yes answer to that
3 question.

4 (No visual response from prospective jury panel.)

5 THE COURT: Do you hold any opinion about the sex
6 industry, for example, pornography, escort services, or
7 brothels that would make it difficult for you to function as
8 an impartial juror in this case?

9 (No visual response from prospective jury panel.)

10 THE COURT: Okay. Have you ever known anyone who
11 you believe was falsely accused of sexual misconduct?

12 (No visual response from prospective jury panel.)

13 THE COURT: Okay. Have you or anyone close to you
14 ever had an interaction or involvement with United States
15 Immigration Authorities?

16 (Prospective jury panel indicates.)

17 THE COURT: Sidebar.

18 (Continued on next page.)
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Sidebar Conference

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1 (The following occurred at sidebar.)

2 THE COURT: Bring my list.

3 (Prospective juror approaches.)

4 THE COURT: You are Number 1?

5 PROSPECTIVE JUROR: Number 1, yes.

6 THE COURT: Okay.

7 PROSPECTIVE JUROR: Yes, Number 1.

8 THE COURT: So everybody knows who Number 1,
9 right?

10 What happened?

11 PROSPECTIVE JUROR: Well, my wife was an
12 immigrant. She immigrated to this country. Her mother
13 brought her here.

14 THE COURT: Okay.

15 PROSPECTIVE JUROR: And I guess when I married
16 her, we went through the process of getting her
17 nationalized.

18 THE COURT: Right.

19 PROSPECTIVE JUROR: So that my interaction with
20 Immigration.

21 THE COURT: So were you satisfied with the
22 interaction?

23 PROSPECTIVE JUROR: Yes.

24 THE COURT: Good.

25 PROSPECTIVE JUROR: So I'm good.

Sidebar Conference

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1 THE COURT: Yes.

2 (Prospective juror exits.)

3 THE COURT: Is there anyone else with a yes answer
4 to that question?

5 (Prospective juror approaches.)

6 MR. HUESTON: There's one more coming.

7 Two?

8 THE COURT: She's coming.

9 So we're going to do it one at a time. If you
10 could just sort of line up?

11 You can step up.

12 (Prospective juror approaches.)

13 THE COURT: Good.

14 PROSPECTIVE JUROR: Hi.

15 THE COURT: Hi.

16 PROSPECTIVE JUROR: One of my friends --

17 THE COURT: I'm sorry. If you can tell us your
18 number and your name.

19 PROSPECTIVE JUROR: Oh, I don't know my number. I
20 think I'm 14, so I'm off.

21 MR. GOLUB: Yes, you are Number 14.

22 THE COURT: Okay. Go ahead.

23 PROSPECTIVE JUROR: My best friend, both her
24 parents are illegal immigration from Ecuador, and they
25 practically raised me. They're look my godparents.

Sidebar Conference

100

1 THE COURT: Okay. So I take it you've had a good
2 experience --

3 PROSPECTIVE JUROR: Yes.

4 THE COURT: -- no problem?

5 PROSPECTIVE JUROR: No.

6 THE COURT: Okay.

7 PROSPECTIVE JUROR: I just have a question for a
8 previous question.

9 THE COURT: Okay.

10 PROSPECTIVE JUROR: You ask if somebody was
11 related or, like, somebody we know who was engaged to me,
12 but I don't know if you meant lawful.

13 Did that --

14 THE COURT: Oh, I haven't asked you a lawsuit
15 enforcement question yet.

16 PROSPECTIVE JUROR: Oh, okay. Thank you.

17 (Prospective juror exits.)

18 MR. GOLUB: She said legal or illegal immigrants?

19 MR. GOLD: Illegal, I think.

20 MR. GOLUB: Illegal, but she had --

21 MR. DUNN: I thought she said legal --

22 THE COURTROOM DEPUTY: That's what I thought she
23 said, legal.

24 THE COURT: What was her name?

25 THE COURTROOM DEPUTY: Her name was Ms. Ma, Number

Sidebar Conference

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1 14.

2 THE COURT: Ms. Ma, could you come back for a
3 minute? I'm sorry.

4 MR. GOLUB: With the background noise, it's hard
5 to hear.

6 MR. GOLD: Yeah, I thought she --
7 (Prospective juror approaches.)

8 THE COURT: I'm sorry. Did you say "legal or
9 illegal"?

10 PROSPECTIVE JUROR: Illegal.

11 THE COURT: Illegal?

12 PROSPECTIVE JUROR: Yeah.

13 THE COURT: All right. And they raised you?

14 PROSPECTIVE JUROR: (Nodding head affirmatively.)

15 THE COURT: Okay.

16 PROSPECTIVE JUROR: They're like my godparents.

17 THE COURT: And do you have any sentiments about
18 immigration, immigration authorities as a result of that?

19 PROSPECTIVE JUROR: I mean, they've had a lot of
20 challenges. They've been tried to become legal for 25 years
21 now, and they have not been successful, so...

22 THE COURT: Do you think that would affect you --

23 PROSPECTIVE JUROR: Probably.

24 THE COURT: -- if you were to sit as a juror --
25 probably?

Sidebar Conference

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1 PROSPECTIVE JUROR: (Nodding head affirmatively.)

2 THE COURT: We'll excuse you.

3 PROSPECTIVE JUROR: So do I leave now?

4 THE COURT: Yes.

5 (Prospective juror exits.)

6 MR. HUESTON: We have two more.

7 THE COURT: Is there someone else coming?

8 THE COURTROOM DEPUTY: Yes.

9 THE COURT: Thank you.

10 (Prospective juror approaches.)

11 THE COURT: This is who?

12 PROSPECTIVE JUROR: Hi, Number 15. I don't want

13 this --

14 THE COURT: Ms. Bowes?

15 PROSPECTIVE JUROR: Yes.

16 THE COURT: Is that right?

17 PROSPECTIVE JUROR: Yes.

18 I'm not sure if this pertains to legal or illegal
19 immigration or immigration in general, but my husband is a
20 green card resident.

21 THE COURT: Uh-huh. Is there anything about his
22 interaction with the immigration authorities that you think
23 would affect you if you were to sit as a juror in this case?

24 PROSPECTIVE JUROR: No.

25 THE COURT: Okay.

Sidebar Conference

103

1 (Prospective juror exits.)

2 THE COURT: Yes.

3 MR. GOLUB: Number 37?

4 (Prospective juror approaches.)

5 PROSPECTIVE JUROR: Hi. My ex-husband was
6 arrested when visited in Missouri by INS. He had a case
7 pending.

8 THE COURT: Okay.

9 PROSPECTIVE JUROR: I had to go through some
10 hassles to prove that the case was pending, but all went
11 well.

12 THE COURT: Okay. Well, let me ask you: Is there
13 anything about your feeling or about his experience that you
14 think would affect you if you were to sit -- let me put it
15 this way, nobody can be 100 percent sure of anything --

16 PROSPECTIVE JUROR: Right.

17 THE COURT: -- in this world.

18 PROSPECTIVE JUROR: Right.

19 THE COURT: But it's important that any juror not
20 be influenced --

21 PROSPECTIVE JUROR: No.

22 THE COURT: -- by something that they shouldn't be
23 influenced by?

24 PROSPECTIVE JUROR: Right.

25 I'm going to hold the prosecutors to a high burden

Sidebar Conference

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1 of proof because I think it's a very tough political time
2 for immigrants, and so, yeah, I think I could be impartial
3 but you're going to have to do your job.

4 THE COURT: Well, we do hold the prosecutors to
5 their burden of proof, but we don't hold them to a higher
6 burden of proof in one kind of case than another kind of
7 case.

8 PROSPECTIVE JUROR: Got it.

9 THE COURT: The standard is beyond a reasonable
10 doubt no matter what.

11 PROSPECTIVE JUROR: Okay.

12 THE COURT: So if you're saying you couldn't do
13 it, tell us. If you're saying you could do it, tell us.

14 PROSPECTIVE JUROR: Yes, I can do it.

15 THE COURT: You could do it?

16 PROSPECTIVE JUROR: Yes.

17 (Prospective juror exits.)

18 THE COURT: Okay. Anything else?

19 MS. KELLMAN: That was 37, Judge.

20 MR. GOLUB: Yes, that was 33, Ms. Sheridan?

21 PROSPECTIVE JUROR: I think that's 33. That's
22 Ms. Sheridan. Thank you for remembering.

23 MR. GOLUB: It was 33, I apologize.

24 MR. GOLD: Erin, do you want to exercise your
25 peremptory now? We're here already.

Sidebar Conference

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THE COURT: 34 -- 33 is Sheridan.
(Continued on the next page.)

Jury Selection

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1 (Sidebar ends; in open court.)

2 THE COURT: We're almost at the end here, so I
3 don't want anyone to leave the courtroom. If we have to
4 have another bathroom break, we'll do it, but it will take
5 10 or 15 minutes and we're almost at the end. Okay? We
6 need to replace Ms. Ma, Number 14.

7 THE COURTROOM DEPUTY: Okay. Juror Number 14,
8 Vladimir Alphonse.

9 THE COURT: Actually it's right there.

10 PROSPECTIVE JUROR: 14.

11 THE COURT: Mr. Alphonse, did you have any yes
12 answers to any of my questions thus far?

13 PROSPECTIVE JUROR: Yes, the personal reaction.

14 THE COURT: Are you saying that you cannot, you
15 know, again, I can say it all over again, which is that we
16 all have personal reactions to some of the things I've been
17 saying or many of the things I have been saying and you
18 should. The only question is can you do your job as a
19 juror?

20 PROSPECTIVE JUROR: No, I can't.

21 THE COURT: Okay. Excused.

22 (Juror exits courtroom.)

23 THE COURTROOM DEPUTY: Juror Number 14, Miguel
24 Altagarcia.

25 THE COURT: Mr. Altagarcia, did you have any yes

Jury Selection

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1 answers to any of my questions?

2 PROSPECTIVE JUROR: It's Altagracia. No, I don't.

3 THE COURT: Altagracia, which ones?

4 PROSPECTIVE JUROR: No, none.

5 THE COURT: No yes answers?

6 PROSPECTIVE JUROR: No.

7 THE COURT: Okay.

8 Do any of you believe that people who entered the
9 United States illegally are not entitled to be protected by
10 laws of the United States?

11 (No visual response from prospective jury panel.)

12 THE COURT: Have any of you religious, moral or
13 other beliefs that will interfere with your ability to
14 render a guilty verdict or a not guilty verdict?

15 The question is simply can you listen to the
16 evidence and the law and make up your mind?

17 (No visual response from prospective jury panel.)

18 THE COURT: Okay. Are any of you or anyone very
19 close to you in law enforcement and by "law enforcement" I
20 mean a police officer, a federal agent like an FBI agent, a
21 agent of the Department of Homeland Security, an agent of
22 the Department of Justice, a prosecuting attorney, et
23 cetera, and we'll do this one row at a time because there
24 may be a lot.

25 First row, anyone in the first row with anyone

Jury Selection

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1 close to them in law enforcement?

2 Yes, Mr. Fox?

3 PROSPECTIVE JUROR: I have a very close friend in
4 the Department of Justice.

5 THE COURT: Okay. And the thing to understand
6 about law enforcement is simply that at least in the first
7 instance, every witness who takes the witness stand is
8 entitled to the same amount or degree of believability. And
9 the fact that somebody's in law enforcement doesn't mean
10 that you can automatically accord their testimony any more
11 believability than anyone else.

12 The jurors will listen to the testimony of all the
13 witnesses and the jurors will make up their mind as to who
14 is telling the truth.

15 Would you have difficulty with that instruction?

16 PROSPECTIVE JUROR: No.

17 THE COURT: Okay. Anyone else in the first row?
18 (No visual response from prospective jury panel.)

19 THE COURT: No?

20 Anyone in the second row?

21 (Prospective jury panel indicates.)

22 THE COURT: Okay. Ms. Alvear?

23 PROSPECTIVE JUROR: Yes.

24 THE COURT: Okay.

25 PROSPECTIVE JUROR: I do have a family member in

Jury Selection

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1 the police force, but I would have no issue.

2 THE COURT: No problem?

3 PROSPECTIVE JUROR: Yeah, no.

4 THE COURT: And, Ms. Spencer, you had your hand
5 up?

6 PROSPECTIVE JUROR: Yes. My aunt is an
7 investigator and I was in the police academy in 2004.

8 THE COURT: Any difficulty?

9 PROSPECTIVE JUROR: No.

10 THE COURT: In this case else in that row.

11 (No visual response from prospective jury panel.)

12 THE COURT: Okay. Let's go to the third row
13 anyone in the third row.

14 (No visual response from prospective jury panel.)

15 THE COURT: Fourth row? Okay. There's -- well,
16 as long as everybody gets to answer the question.

17 PROSPECTIVE JUROR: My ex-husband was NYPD.

18 THE COURT: Okay. This is Pfluger, Bernice.
19 Would you have any difficulty with my instruction?

20 PROSPECTIVE JUROR: No.

21 THE COURT: Okay. Anyone else?
22 Ms. Steinman-Kelleher?

23 PROSPECTIVE JUROR: Yes.

24 THE COURT: Number 35?

25 PROSPECTIVE JUROR: 35, yeah.

Jury Selection

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1 My husband's an attorney but --

2 THE COURT: I'm going ask that question.

3 PROSPECTIVE JUROR: Yeah.

4 THE COURT: What type of law does he practice?

5 PROSPECTIVE JUROR: Defense attorney.

6 THE COURT: A defense attorney?

7 PROSPECTIVE JUROR: Uh-huh.

8 THE COURT: The important thing here is that a
9 juror decides this case based on the law as I instruct it to
10 them. And not on anything they may know or believe they may
11 know as a result of their own education or the fact that
12 someone close to them is in law.

13 Would you have any difficulty doing that?

14 PROSPECTIVE JUROR: Not at all.

15 THE COURT: Okay. Anybody else?

16 (No visual response from prospective jury panel.)

17 THE COURT: Okay. We'll do these at sidebar, too,
18 but met me go through the question with you.

19 Apart from those of you who have already answered
20 the question in another form, and there are a few of you who
21 did, have any of you ever been arrested or involved in a
22 criminal case or investigation as a complainant, a witness,
23 or a defendant?

24 Anyone in the first row?

25 (No visual response from prospective jury panel.)

Jury Selection

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1 THE COURT: Anyone in the second row?
2 (No visual response from prospective jury panel.)
3 THE COURT: In the third row?
4 (Prospective jury panel indicates.)
5 THE COURT: Okay. That is -- I'm sorry.
6 Mr. Morano --
7 PROSPECTIVE JUROR: No.
8 THE COURT: This is Mr. Nonkin, right?
9 PROSPECTIVE JUROR: Yes.
10 THE COURT: Let's talk at sidebar.
11 (Continued on the next page.)
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Sidebar Conference

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1 (The following occurred at sidebar.)

2 (Prospective juror approaches.)

3 THE COURT: Okay.

4 PROSPECTIVE JUROR: I was arrested for assault.

5 THE COURT: Okay.

6 PROSPECTIVE JUROR: The charges were dismissed.

7 THE COURT: And the charges were dismissed?

8 PROSPECTIVE JUROR: Yes.

9 THE COURT: Is there anything about that
10 experience that you had that you think would affect you in
11 any way if you were to sit as a juror in this case?

12 PROSPECTIVE JUROR: No.

13 THE COURT: Okay. Thank you.

14 (Prospective juror exits.)

15 THE COURT: All right. Is there anybody else who
16 answered yes to that question?

17 (Prospective jury panel indicates.)

18 THE COURT: Wait. We have one more. It's going
19 to someone in the third row.

20 MR. GOLUB: What number is this gentleman?

21 (Prospective juror approaches.)

22 PROSPECTIVE JUROR: Yeah. When I was a --

23 THE COURT: I'm sorry. Could you just --

24 PROSPECTIVE JUROR: My name is a Jason Banrey.

25 THE COURT: Mr. Banrey is Number 25?

Sidebar Conference

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1 PROSPECTIVE JUROR: Yes.

2 THE COURT: Okay. Go ahead.

3 PROSPECTIVE JUROR: When I was 14, I was
4 arrested -- well, 16, arrested for suspected burglary.

5 THE COURT: Okay.

6 PROSPECTIVE JUROR: Not -- I wasn't convicted of
7 anything. It was --

8 THE COURT: It was dropped?

9 PROSPECTIVE JUROR: Yeah. Everything was dropped,
10 yes.

11 THE COURT: Okay. Is this anything about that
12 experience that you feel would affect you if you were to sit
13 as a juror in this case?

14 PROSPECTIVE JUROR: No.

15 THE COURT: Great.

16 PROSPECTIVE JUROR: No.

17 THE COURT: Thank you.

18 (Prospective juror exits.)

19 THE COURT: Is there anybody else with a "yes"
20 answer?

21 (No visual response from prospective jury panel.)

22 THE COURT: Okay.

23 MS. KELLMAN: I just didn't hear him.

24 THE COURT: Oh, I'm sorry. He said he was
25 arrested back in a burglary, but the charges were dismissed.

Sidebar Conference

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MS. KELLMAN: Okay.

(Continued on next page.)

Jury Selection

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1 (Sidebar ends; in open court.)

2 THE COURT: Have any of you ever had a dispute
3 with or a claim against the United States Government?

4 (No visual response from prospective jury panel.)

5 THE COURT: Apart from the person who answered the
6 question, are any of you lawyers or do you work with
7 lawyers?

8 (Prospective jury panel indicates.)

9 THE COURT: Okay.

10 Let's see, these are people in the fourth row --
11 oh, yes, yes, Mr. Norkin?

12 PROSPECTIVE JUROR: Nonkin.

13 THE COURT: Nonkin. Sorry.

14 PROSPECTIVE JUROR: I work with lawyers on my job.
15 I don't think it would influence me hearing the evidence.

16 THE COURTROOM DEPUTY: I'm sorry, Judge, the
17 interpreter can't hear.

18 Could you use the microphone, please.

19 THE COURT: Mr. Nonkin said he works with lawyers
20 in his job and he --

21 PROSPECTIVE JUROR: I work with lawyers at my job.
22 I don't think it would influence me in hearing the evidence
23 and listening to your instruction.

24 THE COURT: Thank you very much.

25 Anybody else?

Jury Selection

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1 (Prospective jury panel indicates.)

2 THE COURT: Yes, maybe if we could hand -- this is
3 going to be someone in the -- Ms. Pfluger?

4 PROSPECTIVE JUROR: Yes. I work at a law firm.

5 THE COURT: What type of firm?

6 PROSPECTIVE JUROR: I think it's primarily
7 business.

8 THE COURT: Business?

9 Any difficulty?

10 PROSPECTIVE JUROR: Not at all.

11 THE COURT: Okay. And somebody next to you not
12 Mr. Sang or -- Ms. Sheridan, did you have you hand up?

13 PROSPECTIVE JUROR: No.

14 THE COURT: Anybody else?

15 PROSPECTIVE JUROR: I did.

16 THE COURT: Somebody who has --

17 PROSPECTIVE JUROR: Yeah, I work with lawyers but
18 I don't think it would affect my judgment in this case in
19 any way. Manish.

20 THE COURT: Number 30.

21 PROSPECTIVE JUROR: Yes.

22 THE COURT: Koirala.

23 PROSPECTIVE JUROR: Yeah, Number 30.

24 THE COURT: Yes?

25 PROSPECTIVE JUROR: Yes, I work at a real estate

Jury Selection

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1 law firm.

2 THE COURT: Okay.

3 PROSPECTIVE JUROR: It won't affect me.

4 THE COURT: Number 33?

5 PROSPECTIVE JUROR: 32.

6 THE COURT: 32, I'm sorry. Mr. Sanster?

7 PROSPECTIVE JUROR: Mr. Sangster.

8 THE COURT: Okay. No problem?

9 PROSPECTIVE JUROR: No problem.

10 THE COURT: And Ms. Salvador?

11 PROSPECTIVE JUROR: I work at a law firm, but no
12 problems.

13 THE COURT: Okay. And are you a lawyer or no?

14 PROSPECTIVE JUROR: No, financial department.

15 THE COURT: Okay. Anybody else?

16 (No visual response from prospective jury panel.)

17 THE COURT: Yes?

18 (Prospective jury panel indicates.)

19 THE COURT: (Indicating). Yes, Mr. --

20 PROSPECTIVE JUROR: I have multiple siblings who
21 are attorneys.

22 THE COURT: Okay. Mr. Goldberg?

23 PROSPECTIVE JUROR: Yes.

24 THE COURT: Number 40.

25 Any difficult y?

Jury Selection

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1 PROSPECTIVE JUROR: No. May I bring up something
2 somewhat unrelated to the question, Your Honor?

3 THE COURT: You may. Do you want to do it at
4 sidebar?

5 PROSPECTIVE JUROR: No, it's not necessary.

6 THE COURT: Okay.

7 PROSPECTIVE JUROR: I don't -- I have under oath
8 answered everything truthfully, but if there are not more
9 frequent bathroom breaks, I will not be a good juror.

10 THE COURT: We're going to have a bathroom break
11 right now. And I will give you the bathroom breaks you
12 need. We're going to do the same thing. Come back when
13 you're done.

14 Don't talk about the case.

15 (Recess taken.)

16 THE COURT: Ladies and gentlemen, I do want to let
17 you know we are almost done. And if we have to break for
18 lunch, you'd have to come back after lunch. This way we can
19 get it done, you know. I think I only have a couple more
20 general questions and then two or three questions of each of
21 you.

22 Did anyone not hear me?

23 THE JURY: Yes.

24 THE COURT: Okay. What I said is I know it's
25 getting late and I know you're hungry, I am, too.

Jury Selection

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1 But we are almost done. If I broke for lunch now,
2 you would have to come back in an hour and you'd be almost,
3 you know, there would be almost nothing left to do by the
4 time you got back. So I prefer to proceed and just get it
5 done. I think it will get done very quickly. Is that all
6 right with you?

7 THE JURY: Yes.

8 THE COURT: Okay. Is everybody out of the ladies'
9 room or men's room?

10 THE COURTROOM DEPUTY: I don't know, you'll have
11 to come with me. I'll check.

12 PROSPECTIVE JUROR: Okay.

13 (Pause in proceedings.)

14 THE COURT: I think the box is full, am I right?
15 Would you look your left and to your right. Is
16 there anybody missing?

17 THE JURY: No.

18 THE COURT: Okay. We really are right at the end.

19 Do any of you have any impediment or physical
20 ailment which you believe would interfere with your jury
21 service? And by that, I'm referring to any impairment of
22 your hearing or your vision, and physical problem that makes
23 it difficult for you to sit, understanding we'll get up and
24 stretch and we'll have as many bathroom breaks as we need.
25 Any of you have any limitation on your ability to speak in

Jury Selection

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1 and read the English Language that might interfere with your
2 jury service?

3 (No visual response from prospective jury panel.)

4 THE COURT: Are any of you fluent in the Spanish
5 language?

6 (Prospective jury panel indicates.)

7 THE COURT: Okay. I'm just going to talk to you
8 for a moment. There are a number of witnesses who are going
9 to testify in Spanish with the assistance of a court
10 certified Spanish interpreter. And it's important that all
11 of the jurors understand the testimony as it is translated
12 for you by the interpreter and not base the testimony on
13 your own interpretation or share it with fellow jurors.

14 Are any of you unable to do that who are fluent?

15 (No visual response from prospective jury panel.)

16 THE COURT: Okay. Of course, all persons are
17 entitled to equal treatment under the law, regardless of
18 race, national origin, ethnic background, immigration
19 status, sex, or age.

20 Would anyone have any difficulty following that
21 instruction?

22 (No visual response from prospective jury panel.)

23 THE COURT: There's no right or wrong answer to
24 the next question, but if you think your answer is yes for
25 any reason, just raise your hand.

Jury Selection

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1 If you were an Assistant United States Attorney
2 representing the Government or if you were counsel
3 representing one of the defendants, do you know of any
4 reason why you would not be content to have this case tried
5 by a juror in your current frame of mind?

6 (No visual response from prospective jury panel.)

7 THE COURT: Okay. Now I've already told you about
8 the length of the trial, the anticipated two-week trial. It
9 is possible that it will spill over into the third week.
10 I've also told you about the trial day --

11 THE COURTROOM DEPUTY: I think Mr. Castillion has
12 an issue.

13 THE COURT: I'm sorry oh, okay. That is.

14 THE COURTROOM DEPUTY: Juror Number 4.

15 THE COURT: Juror Number 4.

16 THE COURTROOM DEPUTY: Yes.

17 THE COURT: Mr. Castillion, do you have a
18 question?

19 PROSPECTIVE JUROR: Yes. It was about the length
20 of the case. It was more so just the fact that I managed to
21 get off today, but I wasn't sure if it would be, like,
22 possible for me to continue for the two weeks and/or
23 possible extension of two weeks.

24 THE COURT: What do you do?

25 PROSPECTIVE JUROR: I work at Target as a

Jury Selection

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1 part-time employee.

2 THE COURT: I'm sorry.

3 PROSPECTIVE JUROR: I work at Target as a
4 part-time employee.

5 THE COURT: Well, let me tell you that all
6 employers give some period of time for jury service and you
7 also get paid for the jury service. I know it's not a
8 two-day trial. It's not a long trial.

9 So the question really is, do you think this is a
10 significant hardship for you?

11 PROSPECTIVE JUROR: I wouldn't know if I would be
12 able to give forewarning and/or like be able to with such
13 short notice.

14 THE COURT: I'm sorry, could you --

15 PROSPECTIVE JUROR: I don't know if I would be
16 able to give forewarning and they would accept the first,
17 you know, in such a short amount of time. Because I'm going
18 to have to call later.

19 THE COURTROOM DEPUTY: His job.

20 THE COURT: They told you to call them later in
21 the week?

22 PROSPECTIVE JUROR: No. I would have to call them
23 as if, like as soon as I got out of here to alert them as to
24 the extension of the length of the case.

25 THE COURT: I'm not sure that's going to

Jury Selection

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1 constitute a significant hardship. Particularly large
2 companies are generally --

3 PROSPECTIVE JUROR: I understand.

4 THE COURT: They're required by law to give you a
5 certain amount of time. But this is -- I mean, this is not
6 like a -- you know, a four-week trial, a six-week trial
7 where hardship is really a paramount issue.

8 Anybody else?

9 Let's see, you are talking about two people. This
10 is?

11 PROSPECTIVE JUROR: Jason Banrey, Juror Number 25.

12 THE COURT: Mr. Banrey.

13 PROSPECTIVE JUROR: Yes.

14 THE COURT: Okay?

15 PROSPECTIVE JUROR: I'm a Commissioner for the
16 City of New York and the Department of Transportation
17 overseeing large -- large and small critical safety
18 projects. Not too sure if that constitutes as a --

19 THE COURT: I tell you what, the reality is, it
20 makes a great juror.

21 PROSPECTIVE JUROR: No, I just wanted to say that.

22 THE COURT: I appreciate that.

23 Everybody here has significant responsibilities in
24 their life, so --

25 PROSPECTIVE JUROR: And I have a trip, it's

Jury Selection

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1 recreational in a couple weeks but --

2 THE COURT: But it's not in the next two weeks or
3 two and a half weeks?

4 PROSPECTIVE JUROR: No it's not.

5 THE COURT: Okay.

6 PROSPECTIVE JUROR: It's in less than three weeks.

7 THE COURT: That shouldn't be a problem.

8 PROSPECTIVE JUROR: Yeah.

9 THE COURT: Okay.

10 PROSPECTIVE JUROR: Just wanted to state that.

11 THE COURT: And that's fine. And somebody else,
12 Mr. Ortiz?

13 PROSPECTIVE JUROR: So I'm a student at Hunter
14 College and right now it's midterm season and I would miss
15 all my midterms if I were to partake in this trial?

16 THE COURT: You would miss your midterms?

17 PROSPECTIVE JUROR: All of them.

18 THE COURT: You're excused.

19 That's a significant hardship.

20 (Juror exits courtroom.)

21 THE COURT: Could you please replace Mr. Ortiz.

22 THE COURTROOM DEPUTY: Juror Number 26, Magdie
23 Edouard.

24 THE COURT: Mr. Edouard, did you have any yes
25 answers to any of my questions?

Jury Selection

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1 PROSPECTIVE JUROR: Yes. I work as a teacher at a
2 small private school, children with autism, so I'm not sure
3 if I'm able to take the whole two weeks off.

4 THE COURT: I'm hard-pressed to say -- are you the
5 only -- I assume there are a number of teachers at the
6 school there, right?

7 PROSPECTIVE JUROR: Yes.

8 THE COURT: And when people are sick, they're
9 replaced by substitutes?

10 PROSPECTIVE JUROR: No, there are no substitute,
11 just staff that are already there. Most of them have to
12 take shorter lunches so to stay with the students.

13 THE COURT: I understand.

14 But I feel reasonably confident that they'll be
15 able to go on?

16 PROSPECTIVE JUROR: Yeah.

17 THE COURT: Okay.

18 Anyone else?

19 (No visual response from prospective jury panel.)

20 THE COURT: Okay. If you would hand the
21 microphone to Juror Number 1. Mr. Miller, I have just a
22 couple questions to ask each of you individually.

23 Mr. Miller, are you employed?

24 PROSPECTIVE JUROR: Yes.

25 THE COURT: What do you do?

Jury Selection

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1 PROSPECTIVE JUROR: I'm employed by the City of
2 New York. I work for New York City Emergency Management.

3 THE COURT: Okay. Are you married?

4 PROSPECTIVE JUROR: Yes.

5 THE COURT: Is your wife working?

6 PROSPECTIVE JUROR: Yes.

7 THE COURT: What does she do?

8 PROSPECTIVE JUROR: She works for Starbucks.

9 THE COURT: Okay. Is there anyone at home who is
10 employed other than you and your wife?

11 PROSPECTIVE JUROR: No.

12 THE COURT: Okay. And what are your major news
13 sources that you rely on? Is it papers or websites or TV or
14 radio shows?

15 PROSPECTIVE JUROR: *The New York Times*,
16 *Washington Post*, *CNN*.

17 THE COURT: Great. Thank you.

18 If you just hand it to Mr. Fox.

19 Mr. Fox, are you working?

20 PROSPECTIVE JUROR: Yes, I am.

21 THE COURT: What do you do?

22 PROSPECTIVE JUROR: I'm a director of operations
23 for a nonprofit editorial company.

24 THE COURT: Okay. Are you married?

25 PROSPECTIVE JUROR: I'm widowed.

Jury Selection

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1 THE COURT: Okay. Is there anyone else at home
2 who is working now?

3 PROSPECTIVE JUROR: Two children.

4 THE COURT: And what are they doing?

5 PROSPECTIVE JUROR: One is an auto mechanic, the
6 other is a home health aide.

7 THE COURT: Okay. And can you tell us where you
8 typically get your news?

9 PROSPECTIVE JUROR: The *Times*, the Internet, a lot
10 of television.

11 THE COURT: Okay.

12 PROSPECTIVE JUROR: *CNN*.

13 THE COURT: Okay. That's fine.

14 Thank you. Ms. Leon. Are you working?

15 PROSPECTIVE JUROR: Yes.

16 THE COURT: What do you do?

17 PROSPECTIVE JUROR: I'm a home attendant with a
18 private client so I -- I work for her, but --

19 THE COURT: Are you married?

20 PROSPECTIVE JUROR: I just lost my fiancé. I just
21 lost my fiancé.

22 THE COURT: Oh, I'm so sorry.

23 PROSPECTIVE JUROR: Thank you.

24 THE COURT: Is there anyone else in the household
25 where you are now who is working?

Jury Selection

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1 PROSPECTIVE JUROR: No. I live by myself.

2 THE COURT: Okay. How -- where do you get your
3 news from generally?

4 PROSPECTIVE JUROR: Just only the TV and I'm being
5 honest with you, so many more bad news than good news to
6 hear, so sometimes I just watch only sports.

7 THE COURT: I understand.

8 PROSPECTIVE JUROR: I'm sorry.

9 THE COURT: It's very honest answer.

10 PROSPECTIVE JUROR: I'm sorry.

11 THE COURT: Okay.

12 Mr. Castillion.

13 PROSPECTIVE JUROR: Yes.

14 THE COURT: What do you do?

15 PROSPECTIVE JUROR: I work as a part-time employee
16 at Target.

17 THE COURT: That's right.

18 Are you married?

19 PROSPECTIVE JUROR: No.

20 THE COURT: Is there anyone else at home who is
21 employed?

22 PROSPECTIVE JUROR: Mother and my roommate.

23 THE COURT: And what do they do?

24 PROSPECTIVE JUROR: My mother works as a medical
25 assistant and my roommate works roommate works at

Jury Selection

129

1 Footlocker.

2 THE COURT: Okay. Where do you get your news
3 from?

4 PROSPECTIVE JUROR: Mostly the Internet.

5 THE COURT: Okay. Ms. Daley, are you employed?

6 PROSPECTIVE JUROR: Yes, I am.

7 THE COURT: What do you do?

8 PROSPECTIVE JUROR: I work for Cerebral Palsy of
9 New York State, change of constructive partnership, but
10 unlimited. I'm a pro bono coordinator.

11 THE COURT: Okay. Are you married?

12 PROSPECTIVE JUROR: Yes.

13 THE COURT: What -- is your husband employed?

14 PROSPECTIVE JUROR: No. He's self-employed.

15 THE COURT: He's self-employed. What type of work
16 does he do?

17 PROSPECTIVE JUROR: Real estate.

18 THE COURT: Okay. Is anyone else at home working?

19 PROSPECTIVE JUROR: Not currently.

20 THE COURT: I'm sorry.

21 PROSPECTIVE JUROR: Not currently.

22 THE COURT: Not now.

23 Okay. And where do you get your news from, if
24 anywhere?

25 PROSPECTIVE JUROR: Multimedia, everything.

Jury Selection

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1 THE COURT: Everything?

2 PROSPECTIVE JUROR: Yes.

3 THE COURT: The web, the newspaper?

4 PROSPECTIVE JUROR: Yes.

5 THE COURT: Okay.

6 PROSPECTIVE JUROR: All over.

7 THE COURT: Okay. Mr. Morris.

8 PROSPECTIVE JUROR: Yes.

9 THE COURT: What do you do?

10 PROSPECTIVE JUROR: I'm a cook for a nursing home
11 in Brooklyn.

12 THE COURT: Are you married?

13 PROSPECTIVE JUROR: No, ma'am.

14 THE COURT: Is there anyone else --

15 PROSPECTIVE JUROR: No, ma'am.

16 THE COURT: -- at home who works? Okay.

17 And where do you get your news?

18 PROSPECTIVE JUROR: Channel 2 news.

19 THE COURT: Let's see, Mr. Scarponi?

20 PROSPECTIVE JUROR: Yes. I work for the
21 Long Island Railroad.

22 THE COURT: Okay. Are you married?

23 PROSPECTIVE JUROR: Yes.

24 THE COURT: And is your wife working?

25 PROSPECTIVE JUROR: No.

Jury Selection

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1 THE COURT: Okay. Has she ever worked outside the
2 home?

3 PROSPECTIVE JUROR: Yes.

4 THE COURT: Well, what did she do then?

5 PROSPECTIVE JUROR: She worked for Hard Chair,
6 which is for like the mentally disabled.

7 THE COURT: Okay. Is there anyone else at home
8 now who works?

9 PROSPECTIVE JUROR: No.

10 THE COURT: And your news sources are what?

11 PROSPECTIVE JUROR: The *Post* the *Times* and
12 whichever I can catch on TV.

13 THE COURT: Okay. Mr. Islam.

14 PROSPECTIVE JUROR: Yes.

15 THE COURT: Are you working?

16 PROSPECTIVE JUROR: Yes.

17 THE COURT: What do you do.

18 PROSPECTIVE JUROR: I work with a Metro North
19 railroad.

20 THE COURT: Metro North railroad. What do you do
21 for the railroad?

22 PROSPECTIVE JUROR: I'm an assistant director of
23 the communication department.

24 THE COURT: Are you married?

25 PROSPECTIVE JUROR: Yes.

Jury Selection

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1 THE COURT: Is your wife workings?

2 PROSPECTIVE JUROR: Not currently.

3 THE COURT: What did she do before?

4 PROSPECTIVE JUROR: She was a programmer.

5 THE COURT: Okay. Anyone else at home who is
6 working now?

7 PROSPECTIVE JUROR: No.

8 THE COURT: And your news sources are?

9 PROSPECTIVE JUROR: Mostly Internet.

10 THE COURT: Okay.

11 Ms. Arbour?

12 PROSPECTIVE JUROR: Hello.

13 THE COURT: Hello. Are you employed?

14 PROSPECTIVE JUROR: Yes.

15 THE COURT: Okay.

16 PROSPECTIVE JUROR: I'm an event manager.

17 THE COURT: Okay. Are you married?

18 PROSPECTIVE JUROR: Yes.

19 THE COURT: Is your husband working?

20 PROSPECTIVE JUROR: Yes.

21 THE COURT: As?

22 PROSPECTIVE JUROR: He's a banker.

23 THE COURT: Okay. And anyone else at home who is
24 working?

25 PROSPECTIVE JUROR: No.

Jury Selection

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1 THE COURT: Okay. Where do you get your news
2 from?

3 PROSPECTIVE JUROR: Internet, TV.

4 THE COURT: Okay.

5 Mr. Rondish?

6 PROSPECTIVE JUROR: It's Pondish, Your Honor.

7 THE COURT: Pondish. Oh, I'm sorry. I even wrote
8 it right, I just read it wrong. I apologize.

9 PROSPECTIVE JUROR: I'm retired.

10 THE COURT: What did you use to do?

11 PROSPECTIVE JUROR: I was in higher education,
12 faculty administration and consultant.

13 THE COURT: Okay. Are you married?

14 PROSPECTIVE JUROR: I am.

15 THE COURT: And --

16 PROSPECTIVE JUROR: My wife is a deputy general
17 counsel for NYCPOT.

18 THE COURT: Okay. And is there anyone else at
19 home who works?

20 PROSPECTIVE JUROR: My dog is currently
21 unemployed.

22 THE COURT: I'm so sorry to hear that.

23 Where do you get your news from?

24 PROSPECTIVE JUROR: Oh, I'm sorry.

25 The Post, Fox News.

Jury Selection

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1 THE COURT: Okay.

2 Ms. Alvear?

3 PROSPECTIVE JUROR: Yes. I am employed. I work
4 as a part-time sales associate at Pandora jewelry. What was
5 the next question?

6 THE COURT: Are you married?

7 PROSPECTIVE JUROR: I wish, but no.

8 THE COURT: Is there anyone else at home now who
9 works?

10 PROSPECTIVE JUROR: Yes. Mostly my family, all
11 like my mother and father.

12 THE COURT: What do they do?

13 PROSPECTIVE JUROR: Sibling, sister-in-law, uncle.

14 THE COURT: Okay. Big family.

15 PROSPECTIVE JUROR: Yes.

16 THE COURT: Tell me what they do.

17 PROSPECTIVE JUROR: My mother is a home aide
18 assistant. My father works as a truck driver working for
19 Staples.

20 THE COURT: Uh-huh.

21 PROSPECTIVE JUROR: My brother is a security guard
22 at a building in, like, the city.

23 THE COURT: That's okay.

24 PROSPECTIVE JUROR: And my brother -- my other
25 brother also works with my father as his helper. My

Jury Selection

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1 sister-in-law works at a jewelry franchise. I forgot what
2 she does.

3 THE COURT: Where do you get your news from?

4 PROSPECTIVE JUROR: Usually the Internet or
5 newspaper.

6 THE COURT: Okay. Ms. Spencer?

7 PROSPECTIVE JUROR: I currently work. I'm an
8 operations supervisor at 1G. We're a fashion company.

9 THE COURT: Are you married?

10 PROSPECTIVE JUROR: No.

11 (Continued on the next page.)
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Jury Selection

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1 (In open court.)

2 THE COURT: Anyone else at home who works?

3 PROSPECTIVE JUROR: No. I live alone.

4 THE COURT: Where do you get your news?

5 PROSPECTIVE JUROR: PIX-11, social media.

6 THE COURT: Okay. Mr. Carsin-Larrosa?

7 PROSPECTIVE JUROR: Good afternoon, Your Honor.

8 Yes, I'm a driver for Uber, Lyft, and Via in the city.

9 THE COURT: Are you married?

10 PROSPECTIVE JUROR: I do.

11 THE COURT: Is your wife -- I do?

12 PROSPECTIVE JUROR: Your Honor, I'm married. I

13 don't know the second question. I'm sorry.

14 THE COURT: Is your wife working?

15 PROSPECTIVE JUROR: Yes. She is an accountant.

16 THE COURT: Okay. Is there anyone else at home who
17 is employed?

18 PROSPECTIVE JUROR: No.

19 THE COURT: And where do you get your news from.

20 PROSPECTIVE JUROR: In my phone by CNN and FOX.

21 THE COURT: Okay. Mr. Altagracia.

22 PROSPECTIVE JUROR: Senior production design for a
23 small design studio.

24 THE COURT: Uh-huh.

25 PROSPECTIVE JUROR: Married. My spouse works for

Jury Selection

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1 Cornell University.

2 THE COURT: Anyone else at home working?

3 PROSPECTIVE JUROR: No.

4 THE COURT: Where do you get your news?

5 PROSPECTIVE JUROR: Online and TV.

6 THE COURT: Ms. Bowes.

7 PROSPECTIVE JUROR: Hi. I'm currently unemployed.

8 THE COURT: Have you worked?

9 PROSPECTIVE JUROR: I have. I worked in child care
10 previously and also retail.

11 THE COURT: Are you married?

12 PROSPECTIVE JUROR: I am.

13 THE COURT: Does your husband work?

14 PROSPECTIVE JUROR: Yes. He works in investment
15 banking.

16 THE COURT: Okay. Anyone else at home who is
17 working now?

18 PROSPECTIVE JUROR: No.

19 THE COURT: Where do you get your news?

20 PROSPECTIVE JUROR: The Skimmer Newsletter.

21 THE COURT: Okay. Ms. Matos.

22 PROSPECTIVE JUROR: Yes. Receptionist. Not
23 married. No one else at home is working, and TV and internet.

24 THE COURT: Okay. Thank you. Ms. Samuel.

25 PROSPECTIVE JUROR: Retired, general psyche and

Jury Selection

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1 midwifery. My husband is also retired.

2 THE COURT: What did he do?

3 PROSPECTIVE JUROR: Autobody repair. Nobody else at
4 home.

5 THE COURT: Where do you get your news?

6 PROSPECTIVE JUROR: Generally, CBS, Channel 7, CNN.

7 THE COURT: Okay. Mr. Nonkin.

8 PROSPECTIVE JUROR: Yes. I am not married. I work
9 as the administrative assistant in the New York City
10 Department of Health and Mental Hygiene. My news sources are
11 I read The New York Times, I watch MSNBC.

12 THE COURT: I take it there is no one else at home
13 who works.

14 PROSPECTIVE JUROR: Correct.

15 THE COURT: Okay. Ms. Lumetta.

16 PROSPECTIVE JUROR: I work as a digital marketing
17 specialist for an investment firm. I'm married. My husband
18 works at the United Nations, and I get my news from The Times
19 and like the major news websites.

20 THE COURT: Okay. Thank you. Ms. Tomelden.

21 PROSPECTIVE JUROR: Hi. I'm retired a year ago.

22 THE COURT: What did you do?

23 PROSPECTIVE JUROR: I used to do billing in Katz
24 Media Group, a division of iHeartRadio. I live alone.

25 THE COURT: Where do you get your news?

Jury Selection

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1 PROSPECTIVE JUROR: TV, FOX News, CNN, and
2 newspaper, Internet.

3 THE COURT: Okay. Thank you.

4 Can we send one down to Ms. Sturkey-Watson.

5 PROSPECTIVE JUROR: Hi. I'm a retired paralegal.
6 I'm married. My husband works for the New York City Transit
7 Authority as a structural maintainer. I have two daughters,
8 and they basically -- one is a home care provider, a day care
9 provider, and the other one is a medical assistant. I get my
10 news from CNN and the Internet.

11 THE COURT: Thank you. Mr. Albo.

12 PROSPECTIVE JUROR: Albino.

13 THE COURT: Albino.

14 PROSPECTIVE JUROR: I'm sorry. I'm a security
15 officer for Bank of America. I currently live with my brother
16 and my fiancée. He is an EMT, and my girl works for
17 Walgreens.

18 THE COURT: Where do you get your news?

19 PROSPECTIVE JUROR: Social media.

20 THE COURT: Mr. Patel.

21 PROSPECTIVE JUROR: Hi. Candy store owner, and
22 married.

23 THE COURT: You are married?

24 PROSPECTIVE JUROR: Yes.

25 THE COURT: Is your wife working?

Jury Selection

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1 PROSPECTIVE JUROR: No. She is a housewife.

2 THE COURT: Anyone else at home who works?

3 PROSPECTIVE JUROR: My two kids. One of them, he
4 works with some company welding; and my daughter is a lab
5 technician, and she works North Shore Hospital.

6 THE COURT: Where do you get your news?

7 PROSPECTIVE JUROR: From the people at 1010 News.
8 It's on all day in the store.

9 THE COURT: I didn't hear.

10 PROSPECTIVE JUROR: I get the news from the people
11 because all day have the radio running and have the news.

12 THE COURT: You have to hold it right in front of
13 you. Okay.

14 PROSPECTIVE JUROR: I get my news from the people --

15 THE COURT: From the people?

16 PROSPECTIVE JUROR: Radio running all day and the
17 news about what happened in the city and what is that, and
18 also I like 1010 Radio.

19 THE COURT: 1010 Radio, got it.

20 Ms. Wilson. Are you working?

21 PROSPECTIVE JUROR: Yes.

22 THE COURT: What do you do?

23 PROSPECTIVE JUROR: I'm a secretary for the New York
24 City Housing Authority.

25 THE COURT: Okay. Are you married?

Jury Selection

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1 PROSPECTIVE JUROR: I'm widowed.

2 THE COURT: What did your husband do?

3 PROSPECTIVE JUROR: He worked for the New York City
4 Transit Authority.

5 THE COURT: Okay. Is there anyone else at home who
6 is employed now?

7 PROSPECTIVE JUROR: My grandson.

8 THE COURT: What does he do?

9 PROSPECTIVE JUROR: He is a teacher.

10 THE COURT: Where do you get your news?

11 PROSPECTIVE JUROR: Mainly my mother and the
12 internet.

13 THE COURT: Okay. Mr. Banrey.

14 PROSPECTIVE JUROR: Full-time employed, Commissioner
15 for New York City Department of Transportation. I'm single.
16 And I get my news through NPR, New York Times, 1010 WINS, and
17 a plethora of local and daily publications in Queens and
18 Brooklyn.

19 THE COURT: Okay. Thank you. Mr. Edouard.

20 PROSPECTIVE JUROR: I am single. I work as a
21 teacher. My mother works as an occupational therapist. I get
22 my news from the internet, News 12, CNN.

23 THE COURT: Thank you. Ms. Lee.

24 PROSPECTIVE JUROR: Hi I'm a -- I currently work for
25 the New York City Department for the Aging. I'm the elder

Jury Selection

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1 coordinator. I'm a licensed social worker. I get my news
2 from PBS, CBS, and -- what else? What was the other question?
3 Oh, I'm single.

4 THE COURT: There is no one else at home who is
5 working?

6 PROSPECTIVE JUROR: No. I'm a caregiver also for my
7 mother, who is 90.

8 THE COURT: Okay.

9 PROSPECTIVE JUROR: Hi.

10 THE COURT: Ms. Sultana.

11 PROSPECTIVE JUROR: I'm married. I'm a housewife.
12 I have two child. One child, she go to the second grade, and
13 second one is three years. My husband work is Uber driver.

14 THE COURT: Where do you get your news from?

15 PROSPECTIVE JUROR: Internet, TV.

16 THE COURT: Have you ever worked outside of the
17 home?

18 PROSPECTIVE JUROR: Yeah.

19 THE COURT: What did you do then? Nothing? Can you
20 recall?

21 (Pause.)

22 THE COURT: Is it something that you want to talk to
23 me about at sidebar?

24 PROSPECTIVE JUROR: No.

25 (Pause.)

Jury Selection

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1 THE COURT: Do you remember what you -- maybe you
2 misunderstood me. Were you ever employed outside of your
3 home? I know you are a housewife now.

4 PROSPECTIVE JUROR: Yes, I'm a housewife.

5 THE COURT: Yes, but before were you ever employed?

6 PROSPECTIVE JUROR: No, I'm not working outside.

7 THE COURT: Right, but did you ever work outside?

8 PROSPECTIVE JUROR: No.

9 THE COURT: Okay. Ms. Page.

10 PROSPECTIVE JUROR: I work at an advertising firm.
11 My husband works at the UN. No other adults working at home.

12 THE COURT: News?

13 PROSPECTIVE JUROR: The Times.

14 THE COURT: Okay. Mr. Koirala.

15 PROSPECTIVE JUROR: Koirala. I work as an analyst
16 with a bank, and I'm married. My wife, she is not working at
17 the moment. She used to work for an IT firm. And my news
18 sources are Wall Street Journal and New York Times.

19 THE COURT: Okay. Ms. Tsui.

20 PROSPECTIVE JUROR: Yes. I work at a law firm. I'm
21 divorced. I live with my sister. She works at a
22 not-for-profit organization, and I get my news from her,
23 coworkers, you know, local news.

24 THE COURT: Okay. Mr. Sangster.

25 PROSPECTIVE JUROR: Yes. Hi. I work at a law firm

Jury Selection

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1 as an administrative assistant. I'm currently single, and I
2 live with my mom. She currently doesn't work, and I get my
3 news from local news, international news, papers like The
4 Times and Daily News.

5 THE COURT: Great. Thank you. Ms. Sheridan.

6 PROSPECTIVE JUROR: Hi. I work as a clothing
7 designer during the day, and I am an editor at night. I have
8 two jobs. I am a single mom, and my son is a documentary film
9 maker, and I get my news from The Times and The Washington
10 Post and The Guardian.

11 THE COURT: Thank you. Ms. Sultan.

12 PROSPECTIVE JUROR: Accounts payable at a law firm.
13 My husband does inside sales. No one else at home working,
14 and social media.

15 THE COURT: Ms. Steinman-Kelleher.

16 PROSPECTIVE JUROR: Currently I'm not working --
17 well, I'm a substitute teacher currently. I was a preschool
18 teacher before. I'm a mom and homemaker. My husband is an
19 attorney. I get my news from The Times, Post, PBS, CNN,
20 magazines, whatever is readable I will read.

21 THE COURT: Are you married?

22 PROSPECTIVE JUROR: I'm married. My husband is an
23 attorney.

24 THE COURT: Is an attorney?

25 PROSPECTIVE JUROR: Yeah.

Jury Selection

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1 THE COURT: Thank you. Ms. Cambria.

2 PROSPECTIVE JUROR: I'm a New York City Public
3 School teacher. I live at home. I'm not married. My father
4 is an engineer. My little brother works at Target part time.
5 He is a student. I get my news from TV outlets and TV
6 networks and social media, I guess.

7 THE COURT: Okay. Thank you. Ms. Swearing.

8 PROSPECTIVE JUROR: Preventive medicine medical
9 technician. My husband, retired cabinet maker.

10 THE COURT: And your news?

11 PROSPECTIVE JUROR: Oh, CNN. That's it.

12 THE COURT: CNN. Okay. Mr. Jeffers.

13 PROSPECTIVE JUROR: I work at a GYN facility as a
14 sterilization technician. Currently going through a divorce.
15 What's the other question?

16 THE COURT: Anyone else at home who works.

17 PROSPECTIVE JUROR: No, no.

18 THE COURT: Where do you get your news?

19 PROSPECTIVE JUROR: At the internet.

20 THE COURT: Okay. Ms. Grant-Lewis.

21 PROSPECTIVE JUROR: I'm unemployed. I live with my
22 mom.

23 THE COURT: What did you do before? Have you ever
24 worked?

25 PROSPECTIVE JUROR: No. But right now I'm in the

Jury Selection

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1 process of being a marine.

2 THE COURT: A marine?

3 PROSPECTIVE JUROR: Yeah.

4 THE COURT: Oh, okay.

5 PROSPECTIVE JUROR: So, yeah, I live with my mom;

6 and my mom, she works for the city. She drives the city

7 buses, MTA. And I get my news from social media.

8 THE COURT: Okay. And Goldberg.

9 PROSPECTIVE JUROR: Sorry. I'm a marketing
10 director, and I get my news from the Wall Street Journal and
11 PBS. I'm single, I'm not married, and there is no one else
12 living with me.

13 THE COURT: I guess that's everything.

14 Counsel, may I see you at sidebar?

15 (Continued on the next page.)

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Sidebar Conference

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1 (Sidebar conference.)

2 THE COURT: Any challenges for cause?

3 MR GOLUB: No.

4 THE COURT: Any follow-ups?

5 MS. KELLMAN: Well, judge, a lot of people just said
6 they got their news from the internet, didn't give us any idea
7 of what kinds of sources.

8 THE COURT: You really want to keep them here?

9 MS. KELLMAN: I think we know so little about them.
10 Maybe I'm the only one that feels that way.

11 MR. GOLD: The only thing I would ask, Your Honor,
12 is if we consider asking them about the ages of any children
13 they might have.

14 THE COURT: No, I'm not asking about the ages of the
15 children.

16 MS. KELLMAN: The ones that weren't working have
17 little kids.

18 THE COURT: I'm sorry. They are going to revolt in
19 a minute.

20 MR GOLUB: After you excuse them then, do we take
21 lunch, and we will do these challenges this afternoon at some
22 point?

23 THE COURT: I would rather -- I don't want to keep
24 these several hundred people here.

25 MS. KELLMAN: How do we discuss any of this with our

Sidebar Conference

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1 clients? We need an interpreter.

2 THE COURT: You can go into another room.

3 MS. KELLMAN: With our clients?

4 MR GOLUB: It's very hard working with them. I
5 think they need to go at this point. If they have to come
6 back, they have to come back. We need time to meet with our
7 clients. We need to eat. We have things to do. It's already
8 2 o'clock it's been a long day.

9 MR. HUESTON: The only thing I would add, if we can
10 get together and decide what our peremptories are, I think, it
11 will be more efficient.

12 THE COURT: I know it will be more efficient. I'm
13 just going to be asking an extra 150 people to come back after
14 lunch.

15 MS. HAJJAR: Your Honor, one proposal could be --
16 and I don't know if this will work. We are striking it to a
17 panel of 28, and then each of us are striking and narrowing
18 down to three alternates. It's possible for the 40 that are
19 in the box to return after lunch.

20 THE COURT: That's not a problem, but I think we
21 maybe ought to ask a number of -- I don't know what's going to
22 happen.

23 MS. KELLMAN: We could ask the next ten.

24 THE COURT: We will ask the next ten to stay.

25 MS. KELLMAN: That should cover it.

Jury Selection

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1 (End of sidebar conference.)

2 (Continued on the next page.)

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Jury Selection

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1 (In open court.)

2 THE COURT: Ladies and gentlemen, we are now down
3 to one piece left, but I know you have been sitting here
4 forever. So what I'm going to do is break for lunch.

5 I request the 40 of you in the box to come back, and
6 I am going to request the following to just raise your hand so
7 I know you are here, and to come back.

8 Christine Barbieri.

9 PROSPECTIVE JUROR: Here.

10 THE COURT: Okay. Would you come back, please.

11 Elizabeth Mandelbaum, please come back.

12 Sandra Mohamed-Marshall.

13 PROSPECTIVE JUROR: Here.

14 THE COURT: Please come back.

15 Maria Fiorillo.

16 PROSPECTIVE JUROR: Here.

17 THE COURT: Please come back.

18 Dayanara Roman-Blanquicet, please come back.

19 Sean Hettenbach.

20 PROSPECTIVE JUROR: Here.

21 THE COURT: Please come back.

22 Christina Park.

23 PROSPECTIVE JUROR: Here.

24 THE COURT: Please come back.

25 Micheline Corney. Oh, yes. Thank you. Please come

Jury Selection

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1 back.

2 Joseph Drescher.

3 PROSPECTIVE JUROR: Here.

4 THE COURT: Would you come back also?

5 PROSPECTIVE JUROR: Yes.

6 THE COURT: The rest of you, I thank you very much
7 for your patience. You are excused. I'm not going to ask you
8 to come back, but we will see -- you know what I'm wondering.
9 Maybe we should finish it in my courtroom.

10 THE CLERK: You could. Yes.

11 Meet Dennis, the 40 of you in the box and the 11 or
12 12 of you I have asked to come back, meet Dennis in the
13 Central Jury Room in one hour, and he will bring you up to the
14 courtroom. So we will be out of this big courtroom. Okay.

15 Have a good lunch.

16 PROSPECTIVE JUROR: Where is the Central Jury Room?

17 THE CLERK: The Central Jury Room is where you came
18 from.

19 THE COURT: The rest of you, go back to the Central
20 Jury Room and report.

21 PROSPECTIVE JUROR: Am I coming back? You said my
22 name, and you didn't say come back.

23 THE COURT: Are you one of the --

24 PROSPECTIVE JUROR: I was the last person.

25 THE CLERK: Yes, you come back.

Jury Selection

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1 THE COURT: Don't talk about the case.
2 (Prospective jurors exit.)
3 (Lunch recess.)
4 (Continued on the next page.)
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Jury Selection

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1 A F T E R N O O N S E S S I O N

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4 THE COURT: Okay. We're going to get the jury.

5 (Pause in proceedings.)

6 (Prospective jurors enter the courtroom.)

7 THE COURTROOM DEPUTY: Juror Number 1 will be

8 sitting here. Number 1.

9 THE COURT: Mr. Miller? Can we have Mr. Miller?

10 THE COURTROOM DEPUTY: He should be coming in,

11 Judge.

12 THE COURT: Okay.

13 THE COURTROOM DEPUTY: Mr. Miller?

14 THE COURT: Still coming?

15 PROSPECTIVE JUROR: 6.

16 THE COURTROOM DEPUTY: You're 6? If you could

17 just sit right there.

18 PROSPECTIVE JUROR: (Complies.)

19 THE COURTROOM DEPUTY: Mr. Miller?

20 THE COURT: Mr. Miller, yeah.

21 Mr. Fox is 2.

22 Ms. Leon is 3.

23 Mr. Castillion is 4.

24 Ms. Daily is 5.

25 THE COURTROOM DEPUTY: Ms. Who?

Jury Selection

154

1 THE COURT: Ms. Daily?

2 THE COURTROOM DEPUTY: Can everyone come inside,
3 please?

4 THE COURT: Mr. Morris is 6. We have that.

5 Mr. Scarponi is 7.

6 Mr. Islam is 8.

7 Ms. Arbour is 9.

8 Mr. Pondish is 10.

9 Ms. Alvear is 11.

10 Ms. Spencer is 12.

11 Carsin-Larossa is 13.

12 Mr. Altagarcia is 14.

13 Ms. Bowes is 15.

14 Ms. Matos is 16.

15 Ms. Samuel is 17.

16 Mr. Nonkin is 18.

17 Ms. La Met that is 19.

18 Ms. Tomelden is 20.

19 THE COURTROOM DEPUTY: One second, Judge.

20 THE COURT: Okay.

21 (Pause in proceedings.)

22 THE COURT: Ms. Sturkey-Watson is 21.

23 Mr. Albino is Number 22.

24 Mr. Patel is Number 23.

25 Ms. Wilson is Number 24.

Jury Selection

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1 Okay. Mr. Banrey is Number 25.

2 THE COURTROOM DEPUTY: Number 25.

3 THE COURT: Mr. Edward is Number 26.

4 Ms. Lee is Number 27.

5 Ms. Sultana is Number 28.

6 Ms. Page is Number 29.

7 Mr. Koirala is Number 30.

8 Ms. Pfluger is 31.

9 Mr. Sangster is 32.

10 Ms. Sheridan is 33.

11 Ms. Salvador is 34.

12 Ms. Steinman-Kelleher is 35.

13 Mr. Cambria is 36.

14 THE COURTROOM DEPUTY: Judge, one second.

15 THE COURT: Ms. Swearing is 37.

16 Mr. Jeffers is 38.

17 Ms. Grant-Lewis is 39.

18 And Mr. Goldberg is 40.

19 THE COURTROOM DEPUTY: Mr. who?

20 THE COURT: Mr. Goldberg.

21 THE COURTROOM DEPUTY: I don't know.

22 Everyone have a seat back here, please.

23 THE COURT: We're going to have to find

24 Mr. Goldberg. Okay?

25 (Pause in proceedings.)

Jury Selection

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THE COURT: Good.

Okay. Counsel come to the sidebar.

(Continued on the next page.)

Sidebar Conference

157

1 (The following occurred at sidebar.)

2 THE COURT: Okay. Mr. Patel, Number 23, came up
3 to Dennis with a stack of papers and said he had a whole lot
4 of medical problems.

5 MS. KELLMAN: Okay.

6 THE COURT: I think perhaps I better question him
7 at sidebar.

8 MS. KELLMAN: Yeah.

9 THE COURT: Mr. Patel, can we see you, please.

10 (Prospective juror approaches.)

11 (Prospective juror approaches.)

12 PROSPECTIVE JUROR: Hi.

13 THE COURT: Mr. Patel, I gather you have some
14 problems. What is that?

15 PROSPECTIVE JUROR: Okay. January I got some
16 problem -- symptoms in my neck. I got an appointment coming
17 from my doctor to get it through the process. My insurance
18 hasn't gone through. He sent me to the doctor and they
19 haven't made any decision yet. And I know -- and I'm not
20 sure --

21 THE COURT: Well, are you saying that you're
22 waiting for the insurance companies --

23 PROSPECTIVE JUROR: To tell the doctors.

24 THE COURT: -- to inform the doctor?

25 PROSPECTIVE JUROR: Yeah, to look at that thing.

Sidebar Conference

158

1 So I don't know --

2 THE COURT: How long have you been waiting?

3 PROSPECTIVE JUROR: I had in January to -- well
4 back and forth and back and forth.

5 THE COURT: Since January?

6 PROSPECTIVE JUROR: That's the only thing I've
7 done. But one doctor he required --

8 THE COURT: Okay. One problem.

9 PROSPECTIVE JUROR: Yeah.

10 THE COURT: Problem Number 1, I asked that
11 question. I asked the question if anyone had any kind of
12 physical problem that would prevent them from jury
13 service --

14 PROSPECTIVE JUROR: Yes.

15 THE COURT: -- and you didn't answer that
16 question.

17 PROSPECTIVE JUROR: Oh, well, I'm sorry.

18 THE COURT: Okay. That's one.

19 Two, if this has been pending since January, don't
20 you think you could -- I'm sure if you need to schedule
21 something with your doctor you could schedule it for right
22 after the trial?

23 PROSPECTIVE JUROR: But what -- one time I fell
24 down because of this -- I fell down and I went to the
25 emergency and they said it was too high. So I don't know.

Sidebar Conference

159

1 It may be tomorrow, it might be the day after tomorrow.
2 They can call me for the schedule to do my bypass surgery or
3 I don't know.

4 THE COURT: There's an artery there?

5 PROSPECTIVE JUROR: Yeah. I've got soft tissue
6 coming here. And I got one coming here (indicating).

7 THE COURT: Okay.

8 PROSPECTIVE JUROR: And they make me pain.

9 THE COURT: It's giving you pain?

10 PROSPECTIVE JUROR: Yeah. Sometimes like three
11 or four hours I have to sit down. And if I continue work,
12 it starting pain. And that's why I fell down last week. I
13 went to the hospital.

14 I have document here.

15 THE COURT: Why didn't you tell me?

16 PROSPECTIVE JUROR: Well, I didn't understand what
17 you --

18 THE COURT: You didn't understand what I was
19 saying?

20 PROSPECTIVE JUROR: Yeah, that's the problem.

21 THE COURT: All right. Just stand back.

22 (Prospective juror exits.)

23 THE COURT: I'm going to excuse him. Okay?

24 MR. GOLD: Yeah, absolutely.

25 THE COURT: Okay. I'm going to excuse you. You

Sidebar Conference

160

1 go back to the Central Jury Room.

2 (Prospective juror exits.)

3 (Continued on next page.)

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Jury Selection

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1 (Sidebar ends; in open court.)

2 THE COURTROOM DEPUTY: Mr. Patel, you can leave.

3 Second floor?

4 PROSPECTIVE JUROR: Okay. Thank you.

5 THE COURTROOM DEPUTY: Thank you.

6 THE COURT: 23.

7 THE COURTROOM DEPUTY: 23, Judge, or 25? 23? I
8 have it as 25. Are you sure it's 25 or 23?

9 THE COURT: It can't be 25.

10 MS. KELLMAN: It's 23.

11 THE COURTROOM DEPUTY: 23. I'm sorry.

12 Juror Number 23, Christine Barbieri.

13 THE COURT: Ms. Barbieri. Did you have any "yes"
14 answers to any of my questions?

15 PROSPECTIVE JUROR: Yes.

16 THE COURT: Which ones?

17 PROSPECTIVE JUROR: The personal one from before.

18 THE COURT: I'm sorry?

19 PROSPECTIVE JUROR: The personal one.

20 THE COURT: The personal one?

21 PROSPECTIVE JUROR: Yes.

22 THE COURT: Are you saying that you cannot be a
23 fair and impartial juror in this case?

24 PROSPECTIVE JUROR: Yeah, I think so.

25 THE COURT: We'll excuse you.

Jury Selection

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1 (Prospective juror exits.)

2 THE COURTROOM DEPUTY: Juror Number 23 Elizabeth
3 Mandelbaum.

4 THE COURT: Ms. Mandelbaum, did you have any yes
5 answers?

6 PROSPECTIVE JUROR: No.

7 THE COURT: Okay. Are you working?

8 PROSPECTIVE JUROR: Yes.

9 THE COURT: What do you do?

10 PROSPECTIVE JUROR: I'm vice-president of business
11 development for a jewelry manufacturer.

12 THE COURT: Okay. Are you married?

13 PROSPECTIVE JUROR: No.

14 THE COURT: Is there anyone else in your household
15 now who is employed?

16 PROSPECTIVE JUROR: Yes.

17 THE COURT: Who?

18 PROSPECTIVE JUROR: My stepmother. We work
19 together.

20 THE COURT: I'm sorry?

21 PROSPECTIVE JUROR: She does sales.

22 THE COURT: Okay.

23 PROSPECTIVE JUROR: Uh-huh.

24 THE COURT: How do you get your news?

25 PROSPECTIVE JUROR: CNN, NPR, television.

Jury Selection

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1 THE COURT: Television generally?

2 PROSPECTIVE JUROR: Uh-huh.

3 THE COURT: Okay. Thank you very much.

4 Counsel?

5 (Continued on the next page.)

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Sidebar Conference

164

1 (The following occurred at sidebar.)

2 THE COURT: Okay. Government goes first.

3 MR. GOLD: I'm sorry. I didn't hear what you
4 said?

5 THE COURT: Government goes first.

6 MS. ARGO: Number 4, Your Honor.

7 THE COURT: Mr. Castillion.

8 MS. ARGO: Should we do the static, perhaps?

9 THE COURTROOM DEPUTY: I put it on.

10 MS. KELLMAN: I didn't hear what you said, the
11 number.

12 MS. ARGO: Four.

13 MS. KELLMAN: Okay.

14 They did two or --

15 THE COURT: They did just one.

16 Okay?

17 MS. KELLMAN: Now we've got four.

18 MR. GOLUB: All righty. Who wants to be the
19 spokesperson?

20 MR. HUESTON: You.

21 MR. GOLUB: Okay. Start here?

22 MR. DUNN: Yeah.

23 MR. GOLUB: Okay, Number 3.

24 Number 5.

25 MR. DUNN: You're just doing two, right?

Sidebar Conference

165

1 MR. GOLUB: No, she said four.

2 MS. KELLMAN: Nine.

3 THE COURT: Nine.

4 MR. GOLUB: Nine, we said.

5 MR. HUESTON: Yeah.

6 MR. GOLUB: Number 9 and Number 10.

7 THE COURT: Oh, you're asking me about the
8 Government?

9 THE COURTROOM DEPUTY: Yes.

10 THE COURT: The Government was four.

11 THE COURTROOM DEPUTY: I'm sorry about that.

12 MS. ARGO: 18, Your Honor.

13 MR. HUESTON: 18?

14 MS. KELLMAN: 18?

15 MR. GOLUB: 15 or 18?

16 THE COURT: 18.

17 THE COURTROOM DEPUTY: 18.

18 MR. GOLUB: Okay. Thank you.

19 THE COURT: You have one more now.

20 MS. ARGO: 33, Your Honor -- oh, 28.

21 THE COURTROOM DEPUTY: Twenty-eight.

22 THE COURT: Do the first 28.

23 MS. ARGO: Oh I'm sorry 13.

24 MR. GOLUB: 13.

25 THE COURT: Four in a row.

Sidebar Conference

166

1 MR. GOLUB: Okay. Let's get our ducks in a row,
2 all right?

3 All right. Is everyone in agreement with this?

4 MS. KELLMAN: Yep.

5 Mr. Golub: Okay.

6 MR. HUESTON: Uh-huh.

7 MR. GOLUB: All right. 11.

8 12.

9 MS. HAJJAR: Your Honor --

10 MR. DUNN: Hold on.

11 MS. HAJJAR: Your Honor, I just want to note, that
12 all but one of the strikes have been women so far. We're
13 not making a Batson Challenge right now, but their strikes
14 to almost all woman on the jury.

15 THE COURT: The strikes --

16 MR. HUESTON: Oh, all the strikes but one have
17 been women. I just want to note that for the record.

18 MR. GOLUB: Number 12.

19 MR. DUNN: Could you hold on for a second?

20 MR. GOLUB: Uh-huh.

21 MR. DUNN: Hold on for a second.

22 (Pause in proceedings.)

23 MS. KELLMAN: Okay.

24 MR. GOLUB: Number 2.

25 THE COURT: Wait just a second.

Sidebar Conference

167

1 THE COURTROOM DEPUTY: Wait, please. 12 was the
2 last one.

3 MR. GOLUB: I have Number --

4 THE COURT: 27.

5 MR. GOLUB: And Number 25.

6 MS. ARGO: Number 22, Your Honor.

7 THE COURTROOM DEPUTY: 22?

8 MS. ARGO: Yes.

9 THE COURT: For the Government, that's Government
10 five.

11 THE COURTROOM DEPUTY: Yes.

12 THE COURT: Or that's government four.

13 MR. HUESTON: 22.

14 MS. HAJJAR: We're not exercising strikes as to
15 anyone but the first 28.

16 THE COURTROOM DEPUTY: Right. Just to the first
17 28.

18 MS. HAJJAR: We're holding. We're holding.

19 THE COURT: Waiving?

20 MS. HAJJAR: We're not striking.

21 THE COURTROOM DEPUTY: Waiving.

22 MR. GOLUB: Okay. They don't want to strike
23 anybody else.

24 You've used all the challenges you want to use?

25 THE COURTROOM DEPUTY: You've got one more.

Sidebar Conference

168

1 THE COURT: They can use another one if they
2 wanted to.

3 MR. GOLUB: Well, they just said they weren't
4 going to do it.

5 THE COURT: As to this round.

6 MS. HAJJAR: As to this round.

7 MR. GOLUB: We're doing two in this round here?

8 THE COURTROOM DEPUTY: Yes, you have two left to
9 strike.

10 (Pause in proceedings.)

11 MR. GOLUB: 21 and 27.

12 MS. ARGO: One moment, Your Honor.

13 (Pause in proceedings.)

14 THE COURTROOM DEPUTY: I think they have another
15 round.

16 MR. GOLUB: I think they have one more.

17 MS. ARGO: We have one more.

18 THE COURT: Two more.

19 MS. ARGO: We have one more.

20 MS. KELLMAN: One, two, three, four, five...

21 THE COURT: You're done.

22 MS. KELLMAN: Are you done?

23 THE COURT: Yes.

24 MS. KELLMAN: Okay.

25 MR. GOLUB: Yeah, we've had ours.

Sidebar Conference

169

1 MS. KELLMAN: In the general sense.

2 MR. GOLUB: Unless you want to give us extra
3 challenges, Judge.

4 THE COURT: Are you kidding?

5 MR. GOLUB: Multiple defendants, usually they get
6 more challenges.

7 THE COURT: Would you like to spend another three
8 days picking a jury?

9 (Pause in proceedings.)

10 MS. ARGO: Waiving.

11 THE COURT: You're waiving?

12 MS. ARGO: Yes, Your Honor.

13 THE COURT: So my question is this: Let's fix the
14 jury.

15 Mr. Miller is Juror Number 1.

16 MR. HUESTON: Right.

17 THE COURT: Mr. Morris is Juror Number 2.

18 MR. GOLUB: Right.

19 THE COURT: Mr. Scarpony is Juror 3.

20 Mr. Islam is Juror 4.

21 MR. GOLUB: I'm sorry. Number 8?

22 MS. ARGO: I apologize, Your Honor. Number 1 is
23 Mr. Miller. Number 2 is Mr. Morris?

24 THE COURT: Number 1 is Mr. Miller and Number 2 is
25 Mr. Morris, right.

Sidebar Conference

170

1 And Number 3 is Mr. Scarpony.

2 MS. ARG0: Okay.

3 THE COURT: And 4 is Mr. Islam.

4 MS. ARG0: Yes.

5 THE COURT: Number 5 is Mr. Altagarcia.

6 THE COURTROOM DEPUTY: Yes.

7 THE COURT: Number 6 is Ms. Bowes.

8 Number 7 is Ms. Matos.

9 Number 8 is Ms. Samuel.

10 Number 9 is Ms. Lumetta.

11 Number 10 is Ms. Tomelden.

12 Number 11 is Ms. Mandelbaum.

13 And Number 12 is Ms. Wilson.

14 MS. KELLMAN: Who?

15 THE COURT: Ms. Wilson.

16 MS. KELLMAN: Wilson?

17 THE COURT: Yes.

18 MR. GOLUB: Who was Number 11? I missed that.

19 THE COURTROOM DEPUTY: Mandelbaum.

20 THE COURT: Ms. Mandelbaum.

21 MR. GOLUB: Okay.

22 THE COURTROOM DEPUTY: Number 10.

23 THE COURT: No, no, she was struck.

24 THE COURTROOM DEPUTY: I'm sorry?

25 THE COURT: Juror 10 is Ms. Tomelden.

Sidebar Conference

171

1 THE COURTROOM DEPUTY: Okay.

2 THE COURT: So are you we dropping Mr. Edouard and
3 Ms. Sultana and going directly -- I mean, I don't know. If
4 both sides want these people as alternates, you're welcome
5 to keep them and then I'll drop the bottom two. I'm --

6 MS. ARG0: I'm fine with starting at 26,
7 Your Honor.

8 THE COURT: Mr. Golub, are you fine with starting
9 at 26?

10 MR. GOLUB: One second, Your Honor.

11 THE COURT: It's Edouard and Sultana.

12 (Pause in proceedings.)

13 MS. KELLMAN: We didn't really look at the ones
14 over 28, Judge.

15 THE COURT: You didn't look at them?

16 MS. KELLMAN: Just because we were going to --

17 THE COURT: Oh, I see.

18 MS. KELLMAN: Because we were going to challenge
19 off of 28.

20 THE COURT: But now we have the alternates.

21 MS. KELLMAN: Sure, sure. Sure that's fine.

22 THE COURT: Okay.

23 (Pause in proceedings.)

24 MS. ARG0: The poll is 26 on down.

25 THE COURT: I'm waiting to find out if they agree.

Sidebar Conference

172

1 If they agree yes, or then we'll start with 25.

2 MS. ARG0: Okay.

3 (Pause in proceedings.)

4 MS. KELLMAN: Four alternates or six?

5 THE COURT: We're going to have --

6 THE COURTROOM DEPUTY: Six.

7 THE COURT: -- six.

8 Do we keep the last two from the jury pool,
9 because alternates if you --

10 MS. KELLMAN: Right.

11 THE COURT: Fine.

12 If you don't --

13 MS. KELLMAN: Okay.

14 (Pause in proceedings.)

15 MS. KELLMAN: I think we're not consenting.

16 THE COURT: Okay.

17 THE COURTROOM DEPUTY: So 29 and up.

18 MS. ARG0: 29 and up. Okay.

19 THE COURTROOM DEPUTY: So the Government goes
20 first.

21 THE COURT: So the Government goes first.

22 MS. ARG0: 33, Your Honor.

23 MR. GOLD: 33 or 35?

24 MS. ARG0: 33.

25 THE COURT: 33.

Sidebar Conference

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1 THE COURTROOM DEPUTY: You have two.

2 MR. GOLUB: 29 and 31, Judge.

3 THE COURTROOM DEPUTY: You have two.

4 MS. ARGO: 30.

5 THE COURTROOM DEPUTY: 30?

6 MS. ARGO: 30.

7 MS. KELLMAN: 30?

8 MS. ARGO: Three, zero.

9 THE COURT: Each gets three.

10 THE COURTROOM DEPUTY: Right. And then we've
11 got --

12 THE COURT: Okay.

13 MR. GOLUB: I think they have one more.

14 THE COURTROOM DEPUTY: Yes, they have one more.

15 MS. KELLMAN: Yeah.

16 MS. ARGO: Yes. 32.

17 THE COURTROOM DEPUTY: 32.

18 THE COURT: How about 31; was he struck?

19 THE COURTROOM DEPUTY: 31 was struck, yes.

20 THE COURT: Okay.

21 MR. DUNN: Actually, this is the last one.

22 MR. GOLD: We have one.

23 THE COURT: Oh, there's a last one?

24 MR. GOLUB: Yes.

25 34.

Sidebar Conference

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1 THE COURTROOM DEPUTY: That's it.

2 THE COURT: Okay. So Alternate Number 1 is
3 Ms. Steinman-Kelleher.

4 Alternate 2 is Ms. Cambria.

5 Alternate 3 is Ms. Swearing.

6 Alternate 4 is Mr. Jeffers.

7 Alternate 5 is Ms. Grant-Lewis.

8 And Alternate 6 is Mr. Goldberg.

9 MR. GOLUB: Okay. Thank you.

10 Judge, you said Number 2 is?

11 THE COURT: Number 2 is Cambria.

12 MR. GOLUB: Okay. Thank you.

13 THE COURT: Thank you.

14 When we get back, I will excuse everyone else.

15 (Continued on the next page.)
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Jury Selection

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1 (Sidebar ends; in open court.)

2 THE COURT: The following are excused: Mr. Fox,
3 you're excused. Thank you.

4 PROSPECTIVE JUROR: Thank you.

5 THE COURT: Ms. Leon is excused.

6 Mr. Castillion is excused.

7 Mr. Daley -- Ms. Daily is excused. I'm sorry.

8 Ms. Arbour is excused.

9 Mr. Pondish is excused.

10 Ms. Alvear is excused.

11 Mr. Spencer -- or excuse me, Ms. Spencer is
12 excused.

13 Carsin-Larossa is excused.

14 Mr. Nonkin is excused.

15 Ms. Sturkey-Watson is excused.

16 Mr. Albino is excused.

17 Mr. Banrey is excused.

18 Mr. Edouard is excused.

19 Ms. Lee is excused.

20 Ms. Sultana is excused.

21 Ms. Page is excused.

22 Mr. Koirala is excused.

23 Ms. Pfluger is excused.

24 Mr. Sangster is excused.

25 Ms. Sheridan is excused.

Jury Selection

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1 Ms. Salvador is excused.

2 And those of you remaining are our jurors and our
3 alternates.

4 Those of you in the last row that we asked to
5 stay, thank you so much for your patience. You can go back
6 down to the Central Jury Room, but we appreciate your
7 returning. We might have asked you to be on the jury.

8 (The remaining prospective jurors exits the
9 courtroom.)

10 THE COURT: All right. For the jury, let me tell
11 you who you are and where you sit. And we're actually going
12 to start the jury in the jury box.

13 So Mr. Miller, can you take the first seat?

14 Mr. Morris, if you would take the second seat in
15 the first row?

16 And Mr. Scarpony, if you would take the third
17 seat?

18 Mr. Islam, the fourth seat.

19 Mr. Altagarcia, the fifth seat.

20 Ms. Bowes, the sixth seat.

21 Ms. Matos, the first seat of the second row.

22 Ms. Samuel, the second seat in the second row.

23 Ms. Lumetta, the third seat in the second row.

24 Ms. Tomelden, the fourth seat in the second row.

25 Ms. Mandelbaum, the fifth seat in the second row.

Jury Selection

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1 And Ms. Wilson, the sixth seat in the second row.
2 That is our jury.

3 Our alternates are Ms. Steinman-Kelleher, you're
4 Alternate Number 1. If you take the first seat in the third
5 row, please.

6 Ms. Cambria, you're Alternate Number 2.

7 Ms. Swearing, you're Alternate Number 3.

8 Mr. Jeffers, you're Alternate Number 4.

9 Ms. Grant-Lewis is Alternate Number 5.

10 And Mr. Goldberg is Alternate Number 6.

11 Just so you can get a sense of where you'll be
12 sitting when you come back.

13 And what we are going to do now is take a brief
14 break so Dennis can take you into the jury room, let you get
15 settled, take a little bit of information from you. He will
16 then bring you back into the jury room and we will commence
17 the trial. I will give you some preliminary instructions
18 and the lawyers will make opening statements.

19 You can just go with Dennis. Do not talk about
20 the case. I'll instruct you about that.

21 THE COURTROOM DEPUTY: All rise.

22 (Jury exits the courtroom.)

23 (The following matters occurred outside the
24 presence of the jury.)

25 THE COURT: Okay. We're going to take enough of a

Jury Selection

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1 break that Dennis can get some information and then we will
2 start.

3 (Recess taken.)

4 THE COURT: Could you just give me the order of
5 the openings?

6 MR. GOLUB: The order of the indictment.

7 MS. KELLMAN: Oh, sure.

8 THE COURT: The order of the indictment? Okay.
9 Kellman, Golub, Dunn, and Hueston. Unless, of course,
10 Ms. Cistaro is doing it.

11 MR. HUESTON: I'll be doing it last.

12 THE COURT: Okay.

13 (Matter concluded at 2:07 p.m.)
14

15 --oo0oo--
16

17 *I (we) certify that the foregoing is a correct transcript*
18 *from the record of proceedings in the above-entitled matter.*

19 /s/ David R. Roy
DAVID R. ROY

2nd Day of March, 2020
Date